A

LETTER

TO THE

Right Hon. EDMUND BURKE,

BY

GEORGE ROUS, Esq.

BRITISH MUSEUM

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RIGHT HONOURABLE

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IN

REPLY

TO HIS

APPEAL FROM THE NEW TO THE OLD WHIGS

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TO THE

Right Hon. EDMUND BURKE.

IN your late Appeal from the New to the Old Whigs, you candidly admit, that the French Revolution, "ſtanding by itſelf, "is an open ſubject of political diſcuſſion, "like all the other Revolutions which "have been attempted or accompliſhed "in our age*." If, therefore, the political pupils of your former opinions (and your publications are ſo numerous that we are all your pupils) have been led to imagine, that the principles of a free Government

* Appeal, p. 8.

neceſſarily involved an approbation of the French Revolution, ſome indulgence was due from Mr. Burke to a love of liberty, even in its exceſs. We could not expect that Mr. Burke would repreſent us to the public as *incorporated* for the ſubverſion of nothing ſhort of the *whole* conſtitution of this kingdom. The truth, however, is, that our oppoſite judgments on the events in France are no leſs derived from our different views of the tranſactions themſelves, than from the different principles we apply in eſtimating the conduct of the leaders.

You employ no leſs than four pages in enumerating the propoſitions you would have eſtabliſhed by proof, had not your late political aſſociates rudely interrupted the career of your eloquence in the debate on the Canada bill. We have read more than ſix hundred pages from your pen on the French Revolution, replete "with dex-"trous * argument and powerful elo-"quence:" yet your miſrepreſentation of facts has been repeatedly detected, and it

* Appeal, p. 4.

has

has been ſucceſsfully proved that your reaſoning "tended to eſtabliſh principles, and "inſpire ſentiments adverſe to the wiſe and "free conſtitution of this kingdom." You give us the reſult of the controverſy. "They (his * political aſſociates) conceive "it a harſh, yet a neceſſary office in full "Parliament, to declare to the preſent age, "and to as late a poſterity, as ſhall take "any concern in the proceedings of our "day, that by one book he has diſ-"graced the whole tenor of his life." "The author † is compelled, however "reluctantly, to receive the ſentence pro-"nounced upon him in the Houſe of "Commons as that of the Party. It pro-"ceeded from the mouth of him who muſt "be regarded as its authentic organ. In "a diſcuſſion which continued for two "days, no one gentleman of the Oppoſi-"tion interpoſed a negative, or even a "doubt in favour of him, or of his opi-"nions." Of what materials this party is compoſed you inform us. "His ‡ ſen-

* Appeal, p. 1. † P. 5. ‡ P. 6.

" timents with regard to them can never " vary, without ſubjecting him to the juſt " indignation of mankind, who are bound, " and are generally diſpoſed, to look up " with reverence to the beſt patterns of " their ſpecies, and ſuch as give a dignity " to the nature of which we all partici- " pate." Of their intellects you add, after telling us, that " very ſolid and very bril- " liant talents diſtinguiſh the miniſterial " benches. The oppoſite rows * are a " ſort of ſeminary of genius, and have " brought forth ſuch and ſo great talents " as never before (among us at leaſt) " have appeared together at any one pe- " riod." Even the inſidious kindneſs of a Miniſter, according to your own repre- ſentation, could proceed no farther than barely to abſtain from public condemna- tion. " *What ſeemed to be recommended to* " *him* by Mr. Pitt was rather to extol the " Engliſh Conſtitution, than to condemn " the French." The *very ſolid and very brilliant talents of the miniſterial benches* were, it ſeems, equally ſilent in the praiſe,

* Page 7.

or

or in the defence of your principles, or of your book. "By * the privilege of ſpeak-"ing as often as he pleaſed (in a Com-"mittee) he hoped in ſome meaſure to "ſupply the want of ſupport, which he "had but too much reaſon to apprehend." Yet becauſe the high rank in Literature, which your talents have juſtly obtained, and the celebrated name which your former labours in the cauſe of freedom had eſtabliſhed, excited univerſal attention to your book, your fond ſelf-love has taught you to believe, that the "doctrines are the "current opinions of the majority in the "nation." If this inference has the ſemblance of truth, how happened it, that while many of our public men, from the ſordid regards of intereſt, earneſtly wiſh the doctrines to be current, not *one* has *dared* openly to approve, or publicly to defend, the principles of your celebrated book?

Nothing can more ſtrongly mark the fluctuations of mind, to which a vivid ima-

* Page 22.

gination

gination may ſubject even a wiſe man, than the oppoſite opinions which at different periods you have entertained reſpecting the probable effects of the French Revolution, and of the maxims on which it is built. At one time your language is, " It ſeems " to me as if I were in a great criſis, not " of the affairs of France alone, but of all " Europe, perhaps of more than Europe." At another time, " two ſuch men as Mr. " Pitt and Mr. Fox might frown theſe " wicked opinions out of the kingdom." Cannot the experience of 1784 teach you to eſtimate aright the Britiſh nation? With all their talents, and with all their eloquence, Mr. Pitt and Mr. Fox are nothing, but as they build on public opinion. The two Kings of Brentford ſmelling to the ſame noſegay would rival in authority theſe two Stateſmen, ſhould they vainly attempt to reſiſt the prevailing ſentiments of the public mind.

At the beginning of the troubles in France, when the author of the preſent addreſs beheld thoſe principles of Government, whoſe truth is irreſiſtible, but which

which had hitherto ſlumbered in the works of philoſophy, drawn forth into action by the French Revolution, and the attention of all Europe riveted to the ſcene, he did not heſitate to pronounce, in 1789, that Mr. Fox and his friends could have no alternative, but to lead in reform, or meanly follow in the rear. To arreſt the progreſs of truth and knowledge upon ſubjects the moſt intereſting to mankind, exceeds all human power. The tide of human reaſon is now rolling in, and none can ſtop its courſe, unleſs it ſhall pleaſe the Almighty to change the nature of man, and obliterate thoſe faculties with which he has endowed and adorned his creatures. To direct the ferment, which ſuch a ſcene muſt excite throughout Europe, to its proper objects, to teach the multitude, that obedience to law is as neceſſary to the enjoyment of liberty, as that the law itſelf ſhould expreſs the public will, or be dictated by a ſenſe of common intereſt, are the duties of a good citizen. To me it ſeems a queſtion of no very difficult ſolution, whether theſe duties are beſt performed by men, who profeſs to claim no rights for them-

ſelves, which they are not equally diſpoſed to maintain for others, to wiſh that the voice of truth only may be heard, and to affect no change which ſhall not be previouſly ſanctioned by the conſenting reaſon of mankind; or by thoſe, who profeſs to addreſs the *prejudices*, not the *reaſon*, of the people, to make *innocent ſpeculative* opinions the foundation of unjuſt diſtinctions, and to teach the multitude, that their participation of civil and political rights is incompatible with order, and can be exerted only in deſtroying the houſes of their fellow citizens.

Whether the National Aſſembly of France have adopted principles of Government conducive to public happineſs, forms an intereſting ſubject of inquiry to all nations; whether they have correctly conformed in all their meaſures to the principles adopted, will probably remain a ſubject of endleſs controverſy. Happily where the ſolution is moſt difficult, the inquiry is leſs important, as the moſt critical inveſtigation can teach us little more than juſtly to appreciate the merits or de-

merits of the principal actors in this wonderful ſcene. To me it ſeems, that ſome of their meaſures muſt be referred to principles not of internal government, but of public hoſtility. They are meaſures of ſelf-defence.

The French King had endeavoured to evade the convocation of the ſtates by every art of a bankrupt Court. Reſiſted in his new impoſts by the Parliaments, he had recourſe to the notables, a body of his own ſelection. When their authority proved inſufficient to levy new taxes, the ſtates, indeed, were aſſembled; but the ſtates ſo aſſembled were, to every purpoſe of reform, effectually palſied by the diviſion of three orders. Compelled at length to abandon theſe civil defences of deſpotiſm, the King, abetted by the highly-beneficed clergy and a large portion of the nobility, threw off the maſk. He aſſembled round the capital a body of foreign mercenaries to oppreſs the riſing liberties of the nation. That this hoſtile attempt, not to give a harſher name, preceded any one meaſure taken by the National Aſſembly, or even a

declaration of its principles (for the declaration of rights was not at this period conceived) the moſt unbluſhing advocate of arbitrary power will not venture to deny. As little can it be denied, that this open avowal of an hoſtile mind in the partizans of ancient deſpotiſm, fully juſtified every meaſure of ſeverity *neceſſary to the public ſafety*. If the ſacrifice made of private rights has exceeded the juſt limits of ſecurity for the future, men may, according to their ſeveral tempers, throw the principal blame on thoſe who provoked, or on thoſe who executed theſe meaſures of prevention. No judgment formed on this part of the ſubject can affect the Engliſh admirers of the French Revolution. We all lament that the occaſion ever exiſted, and deplore the ſeverities it has produced.

I feel, therefore, no deſire to enter this labyrinth of controverſy, where an able adverſary may evade the application of the plaineſt principle of juſtice, or the moſt unqueſtionable maxim of policy, by the miſtatement of a ſingle fact. The great outlines of evidence can never deceive. The

The honeſt intention of the National delegates, to promote the public happineſs, is evinced by arming a whole people. Theſe men could not intend to convert a *public* truſt to *private* benefit, who began their operations by enabling the nation to *cruſh all their oppreſſors.* That their labours have, in fact, advanced the public happineſs, twenty-five millions of witneſſes, a whole people, atteſt, who enthuſiaſtically devoted to the new conſtitution, contend only who ſhall be moſt active in its defence. Public order in regenerated France has ariſen, not from the compreſſing power of deſpotiſm, or the habitual authority of long-eſtabliſhed inſtitutions, but from an enlightened love of their country, and a ſenſe of common intereſt. He muſt be dead to all the finer feelings of humanity; he muſt wiſh to degrade man from a rational nature to brutal inſtinct, who can contemplate, without joy and exultation, this grand effuſion of a philoſophic ſpirit illuminating all Europe, this improving progreſs of the human mind in the firſt, the moſt important ſcience, the ſcience of adapting public inſtitutions to the ſole legi-

timate object of all government—the equal protection of every individual member of the ſtate. Amidſt the exultations of a whole people it were idle critically to examine, whether a fanciful refinement may not in ſome few inſtances have added uſeleſs parts to a noble ſtructure. The French conſtitution is a noble edifice erected for the reſidence of public liberty. Mr. Burke, at leaſt, ought not to diſpute the judgment of the French nation—who has told us, that the former government of France were, "the **profeſſed enemies of the freedom "of mankind.*" And again, "If any † aſk "me what a *free government* is, I anſwer, "that for any practical purpoſe it is, *what "the people think* ſo: and that *they and not "I are the natural, lawful, and competent "judges of this matter.*" If greater praiſe can be beſtowed on inſtitutions than the unanimous applauſe of the nation, for whoſe happineſs they are deſigned, read that encomium in the horror and diſmay which

* Thoughts on the Cauſe of the preſent Diſcontents, p. 52.

† Letter to the Sheriffs of Briſtol, p. 55.

convulſe

convulſe all the enemies of mankind in other parts of Europe. Among theſe enemies of the human race, foremoſt, appear the petty princes of Germany, who enact the ravages of deſpotiſm on a ſmaller, and conſequently more oppreſſive ſcale; who plunder the peaſant to maintain abſurdly diſproportioned eſtabliſhments; who drag him from his home, the ſon from his parents, the huſband from his family, to form under the rigor of military diſcipline the inſtruments of new exactions; who ſell the blood of their ſubjects to ſwell the pride of a maſter, and have the inſolence to call this GOVERNMENT. To theſe add the unfeeling deſpots, the pimps and paraſites of power, the venal tribe of trading politicians in this and other countries; and we have nearly a correct deſcription of thoſe, whoſe *intereſted* clamours hail with involuntary praiſe the triumph of Gallic liberty. There was a period in Mr. Burke's political life when he would have diſdained to countenance this army of ſavages. In 1775, Mr. Burke could not conſent to puniſh, much leſs proſcribe, a whole people.

"The

" The thing * seems a great deal too big " for my idea of jurisprudence. It should " seem to *my way of conceiving such matters*, " that there is a wide difference in reason " and policy between *the mode of proceed-* " *ing on the irregular conduct of scattered in-* " *dividuals, or even of bands of men who dis-* " *turb order within the state*, and the civil " dissentions, which may from time to " time, on great questions, agitate the se- " veral communities which compose a " great empire. It looks to me to be *nar-* " *row and pedantic* to apply the ordinary " ideas of criminal justice to this great " public contest. I do not know the me- " thod of *drawing up an indictment against* " *a whole people.* I cannot *insult and ridi-* " *cule the feelings of millions of my fellow* " *creatures*, as Sir Edward Coke insulted " one excellent individual (Sir Walter Ra- " leigh) at the bar. *I am not ripe to pass* " *sentence on the gravest public bodies, en-* " *trusted with magistracies of great authority* " *and dignity, and charged with the safety of*

* Mr. Burke's Speech on the 22d of March, 1775, p. 44.

" *their*

" *their fellow citizens upon the ſame title that*
" *I am.* I really think, for *wiſe* men, this
" is not *judicious*; for *ſober* men, not *de-*
" *cent*; for minds *tinctured with humanity,*
" *not mild or merciful.*"

It is impoſſible for Mr. Burke to believe, that thoſe who aſſembled to celebrate the French Revolution on the 14th of July, ever intended to convey an approbation of *all their inſtitutions*, much leſs *under circumſtances wholly diſſimilar in this country*, to recommend their adoption. They acted on Mr. Burke's own reaſoning: " When
" any political inſtitution is praiſed," (I omit the libellous parentheſis) " it
" muſt be ſuppoſed to have ſomething ex-
" cellent in its fundamental principles. It
" muſt be ſhewn, that it is *right, though*
" *imperfect*; and it is not only by poſſibi-
" lity ſuſceptible of improvement, but that
" it contains in it a principle tending to its
" melioration." Thoſe who, Mr. Burke affirms, " begin publicly to incorporate
" themſelves for the ſubverſion of nothing
" ſhort of the *whole* conſtitution of this
" kingdom, for the utter overthrow of its

" laws, civil and eccleſiaſtical, and, with " them, of the whole ſyſtem of its man- " ners," had left nothing to inference and conjecture. They had avowed, they had endeavoured to inculcate their principles, and had defined with preciſion their limits. They publicly declare their approbation of making the natural rights of man the foundation of all Government, the criterion of obedience in the people, and of authority in the magiſtrate. They think that theſe original rights of juſtice, derived from the relations, in which God has placed man to man, conſtitute the ſole legitimate ſource of human laws; and to ſuppoſe an authority in Governors to ſubvert theſe rights, is to reverſe the order of nature, and to deſtroy the foundations of moral duty. As they recognize the rights of man, the legitimate ſource of human legiſlation, they conſider *lawful government* as the *means* of affording protection to theſe rights—and in the *order of theſe means* they maintain that from the people, that is, the nation at large, proceeds the law of the community; or, in other words, that the law ought to be an expreſſion of the public will.

will. And laſtly, by this law ſo expreſſing the public will, they maintain, the kingly office is created, defined, and its operations directed. They profeſs to applaud the French Revolution as an open public recognition of theſe principles, without examining all its parts. Theſe ſubverters of the Britiſh Conſtitution were equally ſolicitous to mark the limits, as to eſtabliſh their principles. They, therefore, diſtinctly marked their approbation of the Poliſh Revolution, the diſtinguiſhing feature of which was laying the *foundations of public order* in the change of an *elective* to an *hereditary* monarchy. They farther avow, that *deſpotiſm**, according to their judgment and

* The toaſts given at this meeting were well conſidered, and meant to expreſs principles.

The Rights of Man.

The Nation, the Law, and the King.

The Revolution of France, and may the Liberty of that Country be immortal.

The Revolution in Poland.

May Revolutions never ceaſe till Deſpotiſm is extinct.

May Great Britain and France, forgetful of ancient

and wiſhes, ought alone to be overthrown by *Revolutions*; becauſe of all governments,

Animoſities, unite in promoting the Freedom and Happineſs of Mankind.

The Sovereignty of the People, acting by a free Repreſentation in every nation.

The increaſed, increaſing, and ſacred Flame of Liberty.

Perfect Freedom, inſtead of Toleration, in Matters of Religion.

The Liberty of the Preſs.

The Trial by Jury, and may the Rights of Jurymen, to protect the Innocent, for ever remain inviolate.

The literary Characters who have vindicated the Rights of Man; and may Genius ever be employed in the Cauſe of Freedom.

Thanks to Mr. Burke for the Diſcuſſion he has provoked.

The Patriots of France.

To the Memory of thoſe Citizens who have died in France for the Liberty of their Country.

The Friends of the French Revolution in or out of Parliament,

The Liberty of North America.

The free Principles of the Britiſh Conſtitution.

Ireland and her Band of Patriots.

General Waſhington and the Liberty of North America.

To the Memory of Dr. Price, the Apoſtle of Liberty, and Friend of Mankind.

To the Memory of Hampden, Milton, Sidney, Locke, and Franklin.

deſpotiſm alone is *radically and neceſſarily ſubverſive* of thoſe original rights, which are the immediate gift of God. Who then is the libeller, the ſubverter of the Britiſh Conſtitution? He who repreſents its exiſtence as incompatible with the rights of nature, or thoſe who, acknowledging *in its theory* the beſt means of protecting theſe rights, wiſh only, by juſt reaſoning from its principles, to correct its defects?

It muſt be confeſſed, that Mr. Burke takes the ſingle ground which his preſent ſyſtem admits. He reprobates "the vi-"ſionary theories of the rights of man*." He treats them with deriſion and contempt; "the blurred and blotted pieces of paper "about the rights of man." Mr. Burke does not, indeed, deny the exiſtence of natural rights; that is, the claims of juſtice, deduced by reaſon from the relations in which God has placed us: but theſe, according to Mr. Burke's ſyſtem, refer wholly to a period antecedent to all civil government. After all the diſcuſſion the ſubject

* Appeal, p. 76.

has undergone, this ſentiment Mr. Burke gives us as his final judgment. "To cloſe "all *—the *pretended* rights of man, which "have made this havoc, *cannot* be the "rights of the people: *for to be a people, "and to have theſe rights*, are things *im-"poſſible*: the one ſuppoſes the *preſence*, "the other the *abſence* of a ſtate of civil "ſociety."

It ſeems to follow as a neceſſary conſequence from this wild poſition, that all the admirable works which have inſtructed mankind in the principles of natural juſtice, in the philoſophy of law and government, were the labours of viſionaries, *in any ſtate perfectly uſeleſs*:—for ſince theſe rights cannot poſſibly exiſt but in the *abſence of civil ſociety*, and man in that condition (if, indeed, ſuch a condition as the *total abſence of civil ſociety* ever did exiſt) muſt have been a rude unlettered animal, wholly incapable of comprehending theſe viſionary theories, it ſeems to follow, that theſe ſpeculations can have no other ten-

* Appeal, p. 139.

dency

dency but to *miſlead man from his ſocial duty*. Mr. Burke has moſt explicitly declared, that the rights of man in ſociety "cannot * "be ſettled on any *abſtract rule*; and no- "thing is ſo *fooliſh as to diſcuſs them upon* "*that principle*."

Though I am fully entitled to urge the *abſurdity* of a neceſſary concluſion as an argument againſt *the truth of his principle*, yet I am willing to ſtate his reaſoning with the *arbitrary limitations* he himſelf will impoſe. He, perhaps, will tell us, that ſuch works may be extremely uſeful to inſtruct the *initiated* in the arts of Government, Princes, Courtiers, and Members of Parliament, in *their duties*; the performance of which the people have no right to exact. Poſſibly, if diſpoſed to concede, he may add, that he quarrels only with our application of theſe principles, as the ſtandard of civil rights, as the meaſure of civil duties. That this miſapplication is the *audacious novelty*, which he reprobates as *imported from France*, and with which we "are now endeavour-

* Reflections, p. 89.

"ing

" ing to work the deſtruction of the " Crown of this kingdom, and the whole " of its conſtitution;"—A ſimple ſtatement of a ſingle fact will refute this calumny. A philoſopher of no mean name in the cloſe of a moral treatiſe, the firſt, perhaps, in merit which any age or nation has produced, ſtates, as the reſult of his reaſoning, preciſely the idea which the French have attempted to exccute. After obſerving the inequalities which " the *intereſt* of " the Government"—" the *intereſts of* " *particular orders* of men who tyrannize " the Government"—" the rudeneſs or " barbariſm of the people;" or " the un- " fortunate conſtitution of their Courts of " Judicature," have produced in the laws of all nations;—he propoſes as the remedy " a ſyſtem of what might properly " be called natural juriſprudence, or a the- " ory of the *general principles which ought* " *to run through, and be the foundation of,* " *the laws of all nations.*" The whole paſſage is curious, and worth tranſcribing; and, whether the reaſoning be admitted or rejected, equally diſproves the charge of importing, as an audacious novelty from Paris,

Paris, the opinion, that *natural rights* ought to be the foundation of all laws and of all government.

" Every ſyſtem of poſitive law*," ſays our philoſopher, " ought to be regarded as " a more or leſs imperfect attempt towards " a ſyſtem of *natural juriſprudence*, or to- " wards *an enumeration of the particular* " *rules of juſtice*. As the violation of juſ- " tice is what men will never ſubmit to " from one another, the public magiſtrate " is under a neceſſity of employing the " power of the commonwealth to enforce " the practice of this virtue. Without " this precaution civil ſociety would be- " come a ſcene of bloodſhed and diſorder, " every man revenging himſelf at his own " hand whenever he fancied he was in- " jured. To prevent the confuſion which " would attend upon every man's doing " juſtice to himſelf, the magiſtrate, in all " governments that have acquired any " conſiderable authority, undertakes to do

* Adam Smith's Theory of Moral Sentiments, page 433, of the edition publiſhed 1768.

" juſtice to all, and promiſes to hear and
" to redreſs every complaint of injury. In
" all well-governed ſtates too, not only
" Judges are appointed for determining
" the controverſies of individuals, but rules
" are preſcribed for regulating the deci-
" ſions of thoſe Judges; and *theſe rules*
" *are in general intended to coincide with*
" *thoſe of natural juſtice.* It does not, in-
" deed, always happen that they do ſo in
" every inſtance. Sometimes, *what is*
" *called the conſtitution of the ſtate*; that is,
" the *intereſt of the government*; ſome-
" times the *intereſt of particular orders of*
" *men*, who tyrannize the government,
" warp the poſitive laws of the country
" *from what natural juſtice would preſcribe.*
" In ſome countries the rudeneſs and bar-
" bariſm of the people hinder *the natural*
" *ſentiments of juſtice* from arriving at that
" accuracy and preciſion which, *in more*
" *civiliſed nations*, they naturally attain to.
" Their laws are like their manners, groſs,
" rude, and undiſtinguiſhing. In other
" countries, the unfortunate conſtitution
" of their Courts of Judicature hinders
" any regular ſyſtem of juriſprudence from

" ever

" ever eſtabliſhing itſelf among them,
" though the improved manners of the
" people may be ſuch as would admit of
" the moſt accurate. In no country do
" the deciſions of poſitive law coincide
" exactly, in every caſe, *with the rules*
" *which the natural ſenſe of juſtice would*
" *dictate. Syſtems of poſitive law*, there-
" fore, though they deſerve the greateſt
" authority as the records of the ſenti-
" ments of mankind in different ages and
" nations, yet can never be regarded as
" accurate *ſyſtems of the rules of natural*
" *juſtice.*

" It might have been expected that the
" *reaſonings of lawyers* upon the different
" imperfections and improvements of the
" laws of different countries, *ſhould have*
" *given occaſion to an enquiry into what were*
" *the natural rules of juſtice, independent of*
" *all poſitive inſtitution.* It might have
" been expected, that *theſe reaſonings* ſhould
" have led them to *aim at eſtabliſhing a ſyſ-*
" *tem of what might properly be called na-*
" *tural juriſprudence, or a theory of the ge-*
" *neral principles which ought to run through,*

" *and be the foundation of the laws of all*
" *nations.* But though the reaſonings of
" lawyers did produce *ſomething of this*
" *kind*, and though *no man* has treated
" ſyſtematically of the laws of any par-
" ticular country, without intermixing in
" his work *many obſervations of this ſort*, it
" was very late in the world before *any*
" *ſuch general ſyſtem was thought of*, or
" before the philoſophy of law was treated
" of by itſelf, and without regard to the
" particular inſtitutions of any one na-
" tion. In none of the antient moraliſts
" do we find an attempt towards a parti-
" cular enumeration of the rules of juſ-
" tice. Cicero in his Offices, and Ariſ-
" totle in his Ethics, treat of juſtice in
" the ſame general manner in which they
" treat of all the other virtues. In the
" laws of Cicero and Plato, where we
" might naturally have expected ſome at-
" tempts towards an enumeration of *thoſe*
" *rules of natural equity, which ought to be*
" *enforced by the poſitive laws of every coun-*
" *try*, there is, however, nothing of this
" kind. Their laws are laws of police,
" not of juſtice. Grotius ſeems to have

" been

" been the firſt who attempted to give the
" world any thing like *a ſyſtem of thoſe*
" *principles which ought to run through, and*
" *be the foundation of, the laws of all na-*
" *tions*; and his treatiſe of the laws of
" war and peace, with all its imperfec-
" tions, is, perhaps, at this day, the moſt
" compleat work that has yet been given
" upon this ſubject. I ſhall in another
" diſcourſe endeavour to give an account
" of the general principles of law and go-
" vernment, and of the different revolu-
" tions they have undergone in the dif-
" ferent ages and periods of ſociety, not
" only in what concerns juſtice, but in
" what concerns police, revenue, and
" arms, and whatever elſe is the object of
" law. I ſhall not, therefore, at preſent
" enter into any farther detail concerning
" the hiſtory of juriſprudence."

" DECLARATION OF THE

" RIGHTS OF MAN AND OF CITIZENS

" BY THE NATIONAL ASSEMBLY OF
" FRANCE.

" The repreſentatives of the people of " France, formed into a National Aſſem- " bly, conſidering *that ignorance, neglect,* " *or contempt of human rights,* are the *ſole* " *cauſe of public misfortunes and corruptions* " *of government,* have reſolved to ſet forth, " in a ſolemn declaration, *theſe natural,* " *impreſcriptible, and unalienable rights:* " that this declaration being conſtantly " preſent to the minds of the members of " the body ſocial, they may be ever kept " attentive *to their rights and their duties:* " that the acts of the legiſlative and exe- " cutive powers of government being ca- " pable of being every moment compared " *with the end of political inſtitutions,* may " be more reſpected: and alſo, that the " future claims of the citizens, being di- " rected by ſimple and inconteſtible prin- " ciples, may always tend to the mainte-

" nance

" nance of the conſtitution, and the gene-
" ral happineſs.

" For theſe reaſons the National Aſſem-
" bly doth recognize and declare, in the
" preſence of the Supreme Being, and
" with the hope of his bleſſing and fa-
" vour, the following ſacred rights of men
" and of citizens:

" I. Men are born, and always continue,
" free, and equal *in reſpect of their rights.*
" Civil diſtinctions, therefore, can be
" founded only on public utility.

" II. The *end of all political aſſociations*
" is, the *preſervation of the natural and*
" *impreſcriptible rights of men*; and theſe
" rights are liberty, property, ſecurity, and
" reſiſtance of oppreſſion.

" III. The nation *is eſſentially the ſource*
" *of all ſovereignty*; nor can any indivi-
" dual, or any body of men, be entitled to
" any authority which is not expreſsly de-
" rived from it.

" IV.

" IV. Political liberty conſiſts in the " power of doing whatever does not injure " another. *The exerciſe of the natural rights* " *of every man has no other limits than* " *thoſe, which are neceſſary to ſecure to* " *every other man the free exerciſe of the* " *ſame rights; and theſe limits are deter-* " *minable only by the law.*

" V. The law ought to prohibit only " actions hurtful to ſociety. What is not " prohibited by the law ſhould not be hin- " dered; nor ſhould any one be compelled " to that which the law does not require.

" VI. The law is an expreſſion of the " will of the community. All citizens " have a right to concur, either perſon- " ally, or by their repreſentatives, in its " formation. *It ſhould be the ſame to all,* " *whether it protects or puniſhes; and all* " *being equal in its ſight, are equally eligible* " *to all honours, places, and employments,* " *according to their different abilities, without* " *any other diſtinction than that created by* " *their virtues and talents.*

" VII.

" VII. No man ſhould be accuſed, ar-
" reſted, or held in confinement, except in
" caſes determined by the law, and accord-
" ing to the forms which it has preſcribed.
" All who promote, ſolicit, execute, or
" cauſe to be executed, arbitrary orders,
" ought to be puniſhed; and every citizen
" called upon or apprehended by virtue of
" the law, ought immediately to obey,
" and renders himſelf culpable by reſiſ-
" tance.

" VIII. The law ought to impoſe no
" other penalties but ſuch as are abſolutely
" and evidently neceſſary; and no one
" ought to be puniſhed, but in virtue of a
" law promulgated before the offence, and
" legally applied.

" IX. Every man being preſumed inno-
" cent till he has been convicted, when-
" ever his detention becomes indiſpenſible,
" all rigour to him, more than is neceſſary
" to ſecure his perſon, ought to be provided
" againſt by the law.

" X. *No*

" X. *No man ought to be moleſted on ac-*
" *count of his opinions*, not even on account
" of his religious opinions, provided his
" avowal of them does not diſturb the
" public order eſtabliſhed by the law.

" XI. *The unreſtrained communication of*
" *thoughts and opinions being one of the moſt*
" *precious rights of man*, every citizen may
" ſpeak, write, and publiſh freely, pro-
" vided he is reſponſible for the abuſe of
" this liberty in caſes determined by the
" law.

" XII. *A public force being neceſſary to*
" *give ſecurity to the rights of men and of*
" *citizens*, that force is inſtituted *for the*
" *benefit of the community*, and not for the
" *particular benefit of the perſons* with whom
" it is entruſted.

" XIII. A common contribution being
" neceſſary for the ſupport of the public
" force, and for defraying the other ex-
" pences of Government, it ought to be
" divided equally among the members of
" the

" the community according to their abi-
" lities.

" XIV. Every citizen has a right, ei-
" ther by himſelf, or his repreſentative, to
" a free voice in determining the neceſſity
" of public contributions, the appropri-
" ation of them, and their amount, mode
" of aſſeſſment, and duration.

" XV. Every community has a right to
" demand of all its agents, an account of
" their conduct.

" XVI. Every community, in which a
" ſeparation of powers and a ſecurity of
" rights are not provided for, wants a con-
" ſtitution.

" XVII. The right to property being
" inviolate and ſacred, no one ought to be
" deprived of it, except in caſes of evident
" public neceſſity, legally aſcertained, and
" on condition of a previous juſt indem-
" nity."

I have ſubjoined the French Declaration of the Rights of Man and of Citizens to

the liberal ſentiments of our Engliſh Philoſopher, publiſhed nearly thirty years before, to prove that the generous and beneficent attempt to realize the natural rights of man is merely an execution of what he had conceived. This Declaration, like our Bill of Rights, in many of its articles, condemns the abuſes of their former Government. They, however, had the wiſdom to go farther, to lay their foundations in acknowledged truths, which, thus ſolemnly recorded, might afford governors and people an eternal monument of their duties.

Were I diſpoſed to multiply quotations, it would not be difficult to produce authorities from the writers on our laws, in vindication of almoſt every article in this Declaration, reſpecting the private rights of individual citizens. The better mode will be, to ſelect for diſcuſſion the controverted parts. Among the articles, which reſpect the rights of individuals, certainly the moſt important deviation from our eſtabliſhed laws, is that maxim, derived from eternal principles of juſtice, that "*all being equal* "*in its ſight, are equally eligible to all ho-*

" *nours, places, and employments, according*
" *to their different abilities, without any other*
" *diſtinction than that created by their virtues*
" *and talents.*"

Diſabilities and proſcriptions of particular bodies of men, as theſe never can be the puniſhment of a crime, muſt ever be unjuſt to the individual; muſt provoke his hatred of the power that inflicts the injury; muſt in the prevailing party nouriſh a ſpirit of tyranny, for ever growing by indulgence; and muſt therefore have a neceſſary tendency to deſtroy the peace and order of ſociety. Were the conſtitution of any ſtate ſo far perfected, that legiſlation ſhould always proceed on general principles of equal juſtice, the laws will in ſuch ſtate be regarded, not as a burden, but a benefit; not a weapon of hoſtility and outrage, but as a cementing benevolent principle uniting all hearts in their defence. Each man will feel an intereſt in the obedience of others, and no individual will henceforth violate the laws without perſonal diſgrace, and provoking the juſt indignation of all.

An intelligent mind, abſtracted from the hiſtory of human follies and human crimes, would diſcover in religion a new ſecurity for this reign of univerſal peace. The firſt idea preſented, muſt be an awful impreſſion of the power and wiſdom of the Great Author of all-created being. A contemplation of his works muſt develope the benevolence with which they were framed; and the general laws of the phyſical and moral world muſt teach, that all are equal in his ſight. Of the natural rights which God has given to man, *the moſt perfect* is the freedom of his own mind. This he cannot renounce, though he may diſguiſe. He cannot abandon, though he may belie his conſcience, and deceive mankind. Of all the employments in which the powers of the human mind can be engaged, the worſhip of the Divine Being is peculiarly that, in which hypocriſy is folly added to guilt—is peculiarly that which always *muſt belong excluſively to the individual.* As it regards another life, it can effect none but him. As it indirectly affects the affairs of this life, its operation depends ſolely on the

ſincerity

ſincerity with which it forms the heart and internal habits of the individual. If his devotions be ſincere and rational, he can hope only to merit the favour of the Deity by the diſcharge of his moral duties to his fellow creatures, with whom he is deſtined to act. Accordingly we find, that in all religions, which are not mere ſyſtems of prieſtcraft, the fundamental principles are the ſame. They all enjoin the performance of the ſame duties. How far any religion ſhall produce *a real effect*, muſt depend on the ſincerity with which the particular religioniſt humbles himſelf before his God. The utmoſt efforts of others, except by inſtruction, can avail nothing.

Happily for mankind the truths which concern his duty are too obvious to create a difference of opinion. When, indeed, man wanders beyond theſe limits into the airy regions of metaphyſical ſubtlety, where prieſts have dogmatiſed, and the gaping multitude obeyed, *in thinking minds* opinions continually diverge, until as great a variety prevails in the ſentiments as in the faces of mankind. Amidſt this variety the

wiſh

wiſh of the individual to render his ſervice moſt acceptable to the Deity, is a ſubject on which a philoſopher would expect mutual forbearance, even greater than in the moſt abſtract ſpeculative ſcience. *It excluſively affects the individual worſhipper alone, and the moſt unbounded exerciſe of private judgment is duty.* Yet ſtrange as it may ſeem in a religion, whoſe fundamental principle is to love our neighbour as ourſelves, and whoſe author has explained *neighbour* to mean *man without diſtinction of nation, of language, or religion*, intolerance of unimportant ſpeculative dogmas, idle modes of worſhip and of faith, have convulſed every Chriſtian kingdom, and deluged the earth with blood. Its ferocious aſpect, indeed, has ſoftened, as reaſon and knowledge diffuſed their influence; but the malignant ſpirit yet lurks in teſts, which the prevailing temper of the age forbids the Magiſtrate to execute, ſufficient, however, to engender diſcord, and occaſionally deſtroy the houſes of our fellow citizens.

That ſociety can have no poſſible intereſt in teſts, this ſingle conſideration demonſtrates.

ſtrates. To thoſe, who are ſo unfortunate as not to comprehend or believe the relation in which man, as a moral being, ſtands to his Creator, all teſts are vain. They cannot heſitate to ſubſcribe any dogmas, or perform any ceremonies, which convenience may require. Thoſe, on the other hand, whoſe minds are awfully impreſſed with this great truth, find in *that opinion alone all the ſanction which religion can poſſibly give to the diſcharge of ſocial duties.* To ſuch, teſts are uſeleſs. But are teſts, therefore, innocent? Their hiſtory proves, that they have originated in the worſt paſſions of the human heart, are to this day upheld by the ſame ſpirit; and their neceſſary effects ſpeak them ſubverſive of the very foundations of all true religion and virtue. The teſt act originated in that horror of popery, which pervaded the kingdom in the reign of Charles the Second; which taught our anceſtors to apprehend a general maſſacre from a feeble race, imbued, indeed, with a fooliſh ſuperſtition, but who formed not one hundredth part of the nation; which poiſoned the very fountains of public ſecurity by falſe plots and conſpira-

piracies, murdering harmleſs citizens under the maſk and forms of juſtice; which made that infamous perjured villain, Titus Oates, a penſioner at the Revolution; which depoſited the laſt remains of its baneful influence in the outrages of Lord George Gordon's mob, deſtroying our houſes, and vomiting forth the contents of our priſons on the peaceful inhabitants of this great metropolis. The adverſe and equally ſenſeleſs yell of danger to the church firſt provoked the oppoſite paſſion by the perſecutions of Laud, aided by the Courts of High Commiſſion and Star-chamber; ſupported the abſurd tyranny of Charles; upheld for a time the more fooliſh bigotry and greater violence of his brother; made a Saint of Sacheverel for preaching the impious and contemptible nonſenſe of paſſive obedience and non-reſiſtance; and at length diſgraced the nation in the eyes of enlightened Europe, by exciting an illiterate ignorant mob to deſtroy the houſe of a philoſopher, who is an honour to his country, of a man whom the virtuous muſt love, and to involve in the ſame ruin many worthy and induſtrious citizens, who preſumed

ſumed to worſhip God in the manner they deem moſt acceptable to the divine nature.

One party, indeed, Diſſenters included, though diſgraced by their fanaticiſm, directed their clamours againſt Popery to a noble object, the advancement of the civil liberties, and conſequent happineſs of mankind. They reſiſted the tyranny of the Stuarts; were the active friends of the Revolution; ſecured the ſucceſſion to the Houſe of Brunſwick; and preſerved the Crown to the anceſtors of his preſent Majeſty. Above all, theſe men firſt learnt to apply their reaſonings on civil to religious liberty; and have amply redeemed their paſt follies by the juſt and liberal ſentiments they now maintain. On the other hand, King-craft and prieſt-craft yet continue to diſgrace their adverſaries, who, in their ridiculous pretended zeal for uniformity of doctrine, which hypocrites alone can profeſs, loſe ſight of all their duties, and harden their hearts againſt the common charities, without which religion is a lie, and its rites a ſolemn mockery of their God. A Right Reverend Prelate ſounds

the trump of civil diſcord; and while an ignorant multitude purſue without mercy, and plunder without remorſe, pious paſtors from their pulpits inſult the juſtice of their country in the preſence of her Judges, by treating the outrage of banditti as a wholeſome ſupplement to her laws.

I, who can laugh at ſome dogmas of our church, and ſubmit to her diſcipline, may venture to ſuggeſt, that the folly of this proſcriptive ſpirit can be equalled only by its guilt. Why ſhould the Church, by prophaning the moſt ſolemn rites of her religion, to qualify an Exciſeman, expoſe herſelf to the deriſion and contempt of enemies, whoſe numbers ſhe cannot diminiſh? Why irritate, why ſtimulate a numerous intelligent body of Diſſenters to inveſtigate her errors and expoſe her defects? Can a Diſſenter poſſibly behold the laws of his country, excluding him from the common rights of citizenſhip, treating the acceptance of an office in the management of our common concern, as the moſt atrocious crime to be puniſhed with all the conſequences of outlawry? Can a Diſſenter feel ſuch outrage

and not abhor the unnatural, the abſurd injuſtice? There is a ſophiſtry in our paſſions which eaſily perſuades us to believe it is our duty to deſtroy, what we cannot but deteſt and abhor. While, therefore, teſt laws ſubſiſt, all who diſſent from the Church will labour its overthrow. Even I, a churchman and friend to eſtabliſhment, do not heſitate to ſay, if the Clergy *will combine their ſafety with injuſtice to others*, let eſtabliſhments periſh. Eſtabliſhments are *uſeful*; juſtice is *neceſſary* to the well-being of ſociety.

So abſurdly do ſome men reaſon, that this temper of Diſſenters *thus provoked and created* has been urged as an argument for upholding the *cauſe*. The Clergy, forgetting the precepts of the meek author of their religion, claim a merit in abſtaining from more active perſecution, take praiſe that they do not re-light the fires of Smithfield, and with the language of charity in their mouths, but with the moſt unchriſtian rancour in their hearts, repreſent proſcription from the common rights of citizenſhip as no injury. They affect to juſtify injuſ-

tice: and in their turn to complain, that *their indulgence* to tender conſciences is ill received, and that thoſe who are not contented with *their permiſſion* to live unmoleſted in our common country, prove themſelves unworthy the rights of citizens. In private life, were an individual to hold the ſame language, were he to ſay to his equal, "I do you no injury; I have neither murdered your father, nor robbed your houſe; I have only turned you out of every public meeting in the pariſh." Were he abſurdly to juſtify his violence, by alledging the manifeſt anger and reſentment of his adverſary, a dark room and ſtrait waiſtcoat would be the ſole reply to ſuch ridiculous madneſs. Yet the abſurdity of our preſent teſt laws is ſomewhat greater. While they irritate and provoke the Diſſenters by an excluſion from all offices of honor or profit, they admit them as electors, admit them even to ſit in both Houſes of Parliament, where alone their reſentment can attempt a change.

The real motive for preſerving theſe laws is not a regard for the intereſts of ſociety

ciety, yet leſs for the intereſts of religion; nor is the motive to be found in a zeal for the eſtabliſhments of our Church. Some eſtabliſhment may reſt on the broad baſis of public utility. A precarious proviſion for the Clergy has a natural tendency to degrade religion in the perſons of its Miniſters; *leſs, indeed, than a perverſion of its precepts, or a prophanation of its rites.* The Clergy of the national religion ought, therefore, to be placed in a ſituation, whenever they deſerve to command reſpect. It were, perhaps, difficult to reconcile to enlightened reaſon all the arrangements of our national Church: but poſſeſſion is title, which none can impeach, who cannot demonſtrate advantages more than ſufficient to compenſate the neceſſary evils of a change. If teſt laws degrade religion by a proſtitution of its rites, deſtroy it by a ſubverſion of its precepts, and endanger the Church eſtabliſhment without a rational motive, what can ſupport them? According to Biſhop Warburton, the eſtabliſhed Church in any country is the natural *ally* of the civil government; and "the great preli-
"minary or fundamental article of alliance
"is

" is this : *that the Church ſhall apply all its* " *influence in the ſervice of the State*, and " the State ſhall ſupport and protect the " Church." According to this notable ſyſtem all governments are a conſpiracy of profligate Stateſmen and corrupt Prieſts againſt the common rights of mankind. Of ſuch a ſyſtem teſt laws are a moſt uſeful part : they enable Prieſts and Stateſmen to inflame the minds of men againſt each other by groundleſs diſtinctions—the very terms of which the multitude cannot comprehend—to preclude all union from a ſenſe of common intereſt ; and thus advance the profit of a *few* on the plunder and oppreſſion of the *many*. But the ſun of freedom has riſen on the world to diſpel theſe clouds of ignorance. The nation will unite in a common cauſe : and if ſuch conſpirators ſhall then remain, their falſehood, hypocriſy, and fraud, will incur the ſcorn and deteſtation of mankind.

The principle of juſtice, extending its equal protection to every member of the community, ſpeaks the plain language of univerſal peace. To conſider public inſti-

tutions

tutions as deriving all their claim to ſupport from their public utility, has a neceſſary tendency to unite all men in the cauſe of juſt government. Yet for maintaining theſe doctrines have I been ſtigmatiſed as wiſhing to become the leader of a mob. With thoſe who *cannot reaſon*, I appeal to my paſt conduct. In the year 1780 it was my lot to ſit in Parliament when Lord George Gordon aſſembled his myrmidons. Generally voting againſt Government, then engaged in the American war, I had no particular call of duty to be forward in its defence: yet for my activity in reſiſting that banditti, aſſembled in the lobby to awe the Houſe of Commons, I had the honor to be included in the ſame proſcription with Sir George Saville; and my humble habitation would probably have ſhared the fate of his, had not the Iriſh Students of the Law, perfect ſtrangers to me, with a generous ſpirit characteriſtic of the nation, offered their protection. Our meaſures for reſiſtance, at firſt derided, taught others to conſult their own ſafety; and we were ſoon invited to concur in a common defence.

The

The friends of civil and religious liberty muſt ever be friends of order. Their ſole power is the voice of truth, which can be heard only in a calm. The temple of their worſhip can alone ariſe from the ſober reaſon of mankind, directed by a ſenſe of common intereſt. Government, on the contrary, love an occaſional riot, which, with the aſſiſtance of the military, is eaſily ſuppreſſed; in the mean time it alarms the votaries of a ſordid luxury; makes them crouch for protection; and teaches them patiently to endure evils impoſed by the hand of power. Accordingly, for more than a month preceding the 14th of July, all the daily prints, in the intereſt of the Treaſury, laboured to excite a tumult: yet in the numerous places where the French Revolution was celebrated, among its friends thus irritated and inſulted, not a ſymptom of ill will to any human being has appeared. In Birmingham, on the other hand, the ſenſeleſs yell of danger to the Church reſounded; and an ignorant multitude were taught to diſplay their zeal for a meek and holy religion, by conflagrations raiſed in the houſes of their fellow citizens. Even after

this

this event, *doubtleſs ſome breach of order*, Government have abounded in tenderneſs and mercy. To let looſe the rigors of juſtice, might have been a cruel ſacrifice of their friends *.

When

* It were improper to ſuſpect any part of the Clergy of wiſhing this calamity: yet the Chriſtian charity of many could not reſtrain their exultation when the calamity fell on thoſe who, doubtleſs, were "ſinners be-"yond all the Galileans." One inſtance in which the *zeal* of the Church was oppoſed to *good works* deſerves to be recorded. At Warwick ſome ungodly Diſſenters had *admitted* into their Sunday ſchool certain children, whom the Church ſchools had *rejected*. They cloathed theſe children, and inſtructed them, not in controverſial Divinity, but in the rudiments of Chriſtianity. It was even proved, that theſe wicked Diſſenters ſometimes had given money to the children moſt diligent in their learning, and to the whole company a dinner every Sunday. This *ſeduction* from the Church created alarm. A worthy Clergyman required them to ſhut up their ſchool, and doubtleſs, in the exceſs of his zeal, hinted—"ſome dreadful conſequences" of their obſtinacy, "a meeting houſe and dwellings of their own "that may poſſibly in their turn be deſtroyed." Four more reverend Churchmen, with other wiſe men of Gotham, aſſembled, and gravely voted, that he "had "ſupported the character of a conſcientious and good "Chriſtian, and that the thanks of this meeting are due "to him for his upright and judicious conduct." It

When reaſoning men behold theſe things they are more firmly convinced, that a ſenſe of univerſal juſtice can alone eſtabliſh permanent order and peace—that a rigid adherence to general principles in legiſlation can alone ſecure imperfect beings from the ſeduction of prejudice or paſſion; and thence infer the wiſdom of France in this ſolemn declaration of right, that the law ſhould "be the ſame to all, whether it "protects or puniſhes; and all being equal "in its ſight, are equally eligible to all "honors, places, and employments, ac-"cording to their different abilities, with-"out any other diſtinction than that cre-"ated by their virtues and talents."

"That the nation is eſſentially the ſource "of ſovereignty," is the principle of public law, againſt which the whole artillery of your eloquence has been levelled. Yet this I affirm to be the fundamental principle of the Britiſh conſtitution; and that whoever

is but juſtice to add, that Dr. Cornwallis, Biſhop of Litchfield and Coventry, interpoſed in a manner highly becoming his ſtation.

denies it, cannot maintain the title of his preſent Majeſty to the Throne of theſe kingdoms. That, *in fact*, his title originated in the act of the PEOPLE, not organized in *any legal form*, nor *convened* by any *legal authority*, ſeems to me beyond all controverſy. The hiſtory of the Revolution you have endeavoured to pervert. A ſimple narrative confutes you. King James, who *by law* could do no wrong, becauſe *by law* his agents and inſtruments were *alone reſponſible*, and who, *upon principles of natural juſtice*, could not forfeit for his ſon, fled from the kingdom, and carried with him his ſon. The Prince of Orange refuſed to act upon the addreſs of the Peers convened under Lord Hallifax, but called together a repreſentative of the PEOPLE, acknowledged *by no law*, nor *analogous* to *any aſſembly that had ever exiſted*. He convened not the Members of Parliament who had ſat under James the Second—not the Members of *any one Parliament* that had ſat under Charles—but *all the Members* who had ſat in any Parliament of Charles the Second before the ſubverſion of char-

ters; and to these were added the *Mayor, Aldermen, and fifty Members of the Common Council of the city of London.* This assembly *invested* the Prince of Orange with *authority* to convene a Parliament; and under this authority the subsequent settlement was made, which has given to the House of Brunswick their title to the Throne of these kingdoms. It is plain that this assembly was *convened* by a Prince who had *no pretence* of himself to exercise authority within these kingdoms—no claim but his *recent merits* in delivering the people from arbitrary power—no title but to *their gratitude*—and accordingly a *grateful sense of his merits* rendering him the object of *their choice*, the nation vested in him the *sole exercise* of the Royal authority during his life, in exclusion even of his wife, the Princess Mary, as well as of other branches of the Royal family. The Nation in this settlement were certainly not governed by *caprice*, but by a *rational sober choice.* The then *present settlement* in the Prince of Orange, was a measure of *present convenience*; the subsequent limitations followed

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the line of legal ſucceſſion, *as far as was judged conſiſtent with the religion and liberties of the country.* The late King, his ſon, and *all Papiſts*, were *for ever excluded.*

When we ſpeak of a right in the nation, we do not mean a right to be found in the ſtatute book, or defined by an exiſting law, for we are ſpeaking of a *right paramount, the ſource and origin of all law*; but if no right to change the ſucceſſion to the Crown reſides in the people, his preſent Majeſty is an uſurper, and we are all rebels againſt our lawful Sovereign. From the Revolution (not to go higher) no perſon *legally entitled to convene* a Parliament has appeared, conſequently no Parliament has exiſted; for I preſume you are not willing to revive the *Republican fraud* of the *King's authority, ſignified by the two Houſes of Parliament.* In defiance, however, of the ſenſeleſs jargon of Tories and Jacobites, his Majeſty's title ſtands on a rock of adamant. His title *originated* from the PEOPLE exerciſing a right which the God of nature has given, and that title has been uniformly *ſanctioned by their conſent.*

To

To rejoice at the overthrow of deſpotiſm, and the erection of a free conſtitution, does not require a *nice diſcrimination* of the caſes, in which an *exerciſe* of this right is conſiſtent with *moral duty*. No man ever contended that a *nation*, any more than the *individuals* of which it is compoſed, are exempt from moral reſtraints. Deriving their being and their rights from God, all are accountable to God for their conduct; but as no Theocracy exiſts, and as the delegated divine right of Kings is exploded, we infer, that Britiſh Kings, *deriving their authority from the people, are accountable to the people*; and ſteadily appeal to the Revolution as deciſive evidence of this truth—a truth which no friend to the Houſe of Brunſwick can poſſibly deny.

If the *language* of the old Whigs, in contradiction *to the plain fact of their conduct*, was accommodated to the *prejudices* of their allies the Tories, who concurred in the Revolution—if they wiſhed not to expoſe their recent eſtabliſhment to the attack of theſe *prejudices*—if, notwithſtanding all their care, *two rebellions* were excited

cited by *theſe prejudices* in favour of the exiled family, and againſt the family of his preſent Majeſty, now that the danger is paſt, to enlighten the people becomes a duty. In our anceſtors this language of prejudice might be a pious fraud. In us the ſame language is falſehood without a motive, and folly without excuſe.

The error of your reaſoning is manifeſt. It proceeds on this ſacrifice to prejudice, and the conſequent inaccuracy *in the language of the Whigs* at the Revolution: but it ſubverts the *principles* on which they *acted*. Thus to diſprove the right of the people, you tranſcribe the *language* of the convention Parliament, which derived its *exiſtence* from the *will of the nation, ſpoken by an organ unknown to our laws*, by a repreſentation of the people, extremely diſſimilar in its conſtitution to an ordinary Houſe of Commons. In the ſame manner you refer to the *language* of the act of ſettlement, which you ſay veſts by *recognition* * in their Majeſties all the legal prerogatives

* Reflections, p. 25.

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of the Crown, though the firſt object of that act was to veſt the *ſole exerciſe of theſe prerogatives* in King William, who had no pretence of title but the *choice of the nation.* In like manner you exult * in the legiſlative ejaculation at " the marvellous provi- " dence and merciful goodneſs of God to " this nation, to preſerve their ſaid Majeſ- " ties *Royal* perſons moſt happily to reign " over us on *the Throne of their anceſtors*;" though the act was made to overturn the *legal ſucceſſion*, and to confer the Crown on their Majeſties, who confeſſedly had no *previous title.* And laſtly, to ſum up this notable argument, and ſilence all objections, you give us the *language* of this act, in which Lords and Commons, in the name of the people, " ſubmit themſelves and " their heirs and poſterity for ever," as a complete abdication of all *future right* of change in their poſterity; though you confeſs this to be a tranſcript of an act of *their anceſtors*, which by this very inſtrument they themſelves had overthrown: — by which inſtrument they had poſtponed to

* Reflections, p. 24.

King.

King William two Princeſſes prior in the line of ſucceſſion, *Proteſtants*, reſident within the kingdom, againſt whom there was no exception:—by which inſtrument they had abſolutely cut off, not only King James, a tyrant and bigot, but likewiſe his *innocent infant ſon*, from an apprehenſion, that he *might be hereafter educated in principles*, civil and religious, adverſe to the liberties of the country:—by which inſtrument they had eventually transferred the Crown to the Princeſs Sophia, in preference to others prior in the legal courſe of ſucceſſion; and had on this limitation engrafted a *new condition* reſpecting the religion and marriage of even her poſterity. By ſuch reaſoning an eſtate, conveyed to a *man and his heirs* for ever, would become the unalienable property of thoſe heirs in eternal ſucceſſion. The ſole difference is this—that an eſtate, being held for the *benefit of the individual*, is at *his diſpoſal*. All magiſtracy, being held *ſolely for the benefit of the nation*, the nation alone have *the right to determine* how and by whom it ſhall be exerciſed. It is a vain attempt to puzzle a plain ſubject, by involving it in moral diſtinctions,

which only regard the *exerciſe* of the right. A man who ſhould diſinherit a worthy ſon in favour of a worthleſs ſtranger would act a moſt *immoral* part; but his *right* to diſpoſe of his property could not be queſtioned. So a nation which ſhould change their government, without an adequate motive, without a rational proſpect of advancing the public happineſs, would likewiſe act a moſt *immoral* part; but *their right to judge for themſelves*, though not ſo familiar in the *exerciſe*, is alike unqueſtionable. This diſtinction between a *right* and its *exerciſe* is perfectly familiar in the writers on the laws of nations; and almoſt all the *acknowledged rights* of nations, in their intercourſe with each other, ſtand on this diſtinction *.

You

* To illuſtrate this reaſoning in its full extent, would be to tranſcribe volumes—it is ſufficient to ſuggeſt the idea to thoſe converſant with writers on public law. In a *moral* view the *right* of war, in any nation, is a *right to proſecute the demands of juſtice*; which, in a *moral* view, the adverſe nation can have no *right* to withhold. All the *ſubſidiary rights* attributed to nations are *the means* of proſecuting this *original right of juſtice*,

You have not puſhed this argument from the *language* of public acts as far as fair logical deduction will warrant. Should ſome wicked modern Whig affirm, which he might do without apprehenſion of cenſure, that, to prevent abuſes in the executive power of the Crown, and to keep Kings and Miniſters within the bounds of law, formed under our preſent conſtitution, the moſt important duty of Parliament, how *triumphantly* might you appeal, not to the *obſolete language* of the laſt century, but to the *language of the preſent exiſting Houſe of Commons*, whoſe firſt act was to proſtrate themſelves before the Throne, and humbly receive from the grace and favour of his Majeſty that *pretended natural*

juſtice, conſequently muſt ariſe from it, and can only belong to *one* of the contending nations. Yet, according to the received maxims of the law of nations, not only neutral, but even the contending nations, attribute theſe derivative rights to *both*; becauſe to *decide* whoſe cauſe is juſt, would be to arrogate a ſuperiority, which annihilates the independence, and conſequently the exiſtence of the nation. The ſame reaſoning applies with greater force to a *whole community* as contraſted with *any of its parts*.

right, freedom of ſpeech? How can that aſſembly be inſtituted for the purpoſe of control, who cannot even debate the ſubject of this *pretended duty*, without the expreſs permiſſion of the Sovereign? When a man, gifted like Mr. Burke, condeſcends to employ ſuch reaſoning, he demonſtrates *the neceſſity* of reforming abſurd inſtitutions, and rendering the language of laws conſiſtent with the theory and principles of a free Government.

How artfully do you confound diſtinct ideas in the following paſſage:—"The "conſtitution* of a country being once "ſettled upon ſome compact, tacit or ex-"preſſed, there is no power exiſting of "force to alter it without the breach of "the covenant, or *the conſent of all parties.* "Such is the *nature of* a contract." And in another part of your work you inform us, that, independent of civil inſtitutions, no right of a majority can exiſt—ſo that the *conſent* of every *individual citizen*, upon your reaſoning, is required. Speaking of

* Appeal, p. 118.

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an expreſs *contract*, or a contract properly ſo called, your argument is correctly true. When any number of men have pledged their faith for the performance of certain ſtipulations, nothing ſhort of the *conſent of every individual* can abſolve the reſt from the obligation, becauſe the intent of an expreſs or proper contract is, *to define what each ſhall do for the benefit of others*—and the obſervance of faith is a moral duty, with which I am not diſpoſed to play the caſuiſt. Exclude, therefore, all exceptions. Admit the nature of a contract to be indiſſoluble without a breach of covenant, or the conſent of every individual. Upon this principle, how will you juſtify any change in the conſtitution, even the moſt minute; for *every part* of a contract is equally binding, equally indiſſoluble, without conſent? How will you defend your favourite Parliament, which, elected for *three* years, fraudulently prolonged their power to *ſeven?* Has the ſubſequent acquieſcence, the conſent of the people, legalized this uſurpation? You, who reprobate the departure of the National Aſſembly from the letter of the cahiers, though their actual exer-

ciſe

ciſe of power has been uniformly applauded by a whole nation, cannot advance this argument of ſubſequent conſent. Certainly the conſent of the Britiſh appears far more equivocal than that of the French nation. *Formally* and *diſtinctly* it never has been given—tacitly, under terror of puniſhment, if they preſumed to reſiſt. Poſſibly you may ſay, that by the contract eſtabliſhing our Government, the conſent of every individual is bound up, and involved in the conſent of Parliament. This is the ground I ſhould have choſen to prove, that all contract on the ſubject of Government *is impoſſible*. In every government there muſt be a ſupreme legiſlative power. Whether this ſupreme power be veſted in a Parliament, a Senate, or an individual, the argument is the ſame; for we are examining the *ſuppoſed foundation of all Government*. A contract of ſubmiſſion to the *will* of this ſupreme power is aſſumed. This would be a contract of a nature, ſuch as the Courts of Juſtice, in no civilized nation, ever admitted. To affirm it is palpable nonſenſe. It would be an engagement, binding only *on one party*, which *the other might vary at plea-*

pleaſure; becauſe, in the exerciſe of legiſlation, the Prince, or the Senate, or the Parliament, in whom the power might be veſted, could preſcribe the rule of their own conduct. It would be an engagement on the part of the people to ſubmit to the unlimited *pleaſure* or *caprice* of others—a ſituation in which man, as a moral being accountable to God for his conduct, cannot place himſelf.

To talk of a contract between the Magiſtrate and People, in moſt of the exiſting Monarchies, where the will of the Prince is the meaſure, and a military force the means of compelling obedience, is to inſult the common ſenſe of mankind. Our Monarchy, indeed, forms a ſignal exception to this obſervation; but for exulting as a Briton in this honorable diſtinction, you have loaded Dr. Price with the foulеſt abuſe. I am willing, however, to give you all the benefit which this honorable diſtinction affords. In our Government, no contract exiſts. By the term original contract, in the famous vote of the convention Parliament, our anceſtors could only mean

an obligation inferable from the relations in which Governors and People are placed—ſimilar to the obligations *quaſi ex contractu* of the civil law—or as they are more incorrectly denominated in our law, implied contracts—*duties inferable from natural juſtice.* That the term original contract was employed in this ſenſe, is evident from no reference being made to any ſpecific compact (for none exiſted), and from the vague and indefinite terms in which the breach of this original contract is charged, "an endeavour to ſubvert the conſtitution, and "a violation of the fundamental laws." What are *fundamental* laws? What is an *endeavour to ſubvert the conſtitution?* What if a people be ſo unfortunate as to have no conſtitution of government, but are ſubject to the *deſpotic will* of one man? Where are ſuch a people to learn their *civil duties?* Where! but in thoſe reprobated rights of nature which our Engliſh philoſopher has taught us; "ought to run through, and be "the foundation of the laws of all nations?" Where! but in thoſe moral obligations, which reaſon is able to deduce from the relations in which we are placed

placed by the hand of the Creator? Where! but from thoſe principles to learn the nature and true end of Government, and aided by the experience of all ages and nations, to adapt their inſtitutions to this beneficent object—the happineſs of the people? Yet becauſe we hail with approbation a generous attempt to realize theſe rights in France, you brand us as conſpirators againſt the laws and government of our country.

Theſe principles have not a tendency to overthrow any Government, not *radically ſubverſive of the rights of nature.* Theſe teach us to diſcriminate between legitimate authority and uſurped power—between the perverſion of the beſt inſtitutions in the hands of ſo imperfect a creature as man, and the tyranny of a deſpot—to correct the one, and to deſtroy the other. Whereas your wild idea of a contract equally binds the people to every ſpecies of power once eſtabliſhed, equally ſupports the deſpotiſm of Turkey as the mild adminiſtration of laws in Great Britain. Your doctrines confound the King of Great Britain, who owes

his Crown to the choice of his people, "with the reſt of the gang* of uſurpers," (for ſuch there are even in enlightened Europe) "who reign, or rather rob, all "over the face of this our miſerable world, "without any ſort of right or title to the "allegiance of their people."

You dwell with peculiar complacence on the term *neceſſity*, as applied to our Revolution of 1688. Is it requiſite to obſerve, that this term imports a moral, not a phyſical, neceſſity, deſcriptive of the urgent duty on the people to aſſert and vindicate their rights? The abuſes of prerogative were the evils of that day. Suppoſe the *old ſpirit* ſhould aſſume *new forms*; are not the people, for whoſe benefit all Government is inſtituted, for whom all Governors act in truſt, authoriſed by the eternal laws of God to provide for the public happineſs? I am aſked, perhaps, by what organ their ſenſe of this duty ſhall be declared? An unconnected multitude have great difficulties to encounter in aſſerting their rights; and this diſadvantage has enabled the few to acquire and abuſe their power.

* Reflections, p. 17.

The general diffuſion of knowledge every day diminiſhes this evil. Let us teach the people to underſtand the nature and true end of Government, and the awe of their power will probably effect much good, without calling their force into action. If they be greatly oppreſſed, they will reſiſt—happy if in that reſiſtance their paſſions will ſubmit to the guidance of enlightened minds!

Egregiouſly as you miſrepreſent the opinions and principles of thoſe contemptuouſly denominated new Whigs, one poſition you have fairly ſtated. We unqueſtionably do maintain, "that Magiſtrates "have duties, but no rights"—that is to ſay, no rights *belonging to them as individuals*, given for *their* benefit. Property is a right belonging to the *individual*—intended *for his benefit*—He therefore is the ſole judge of its proper diſpoſal. Magiſtracy is created for *the benefit of the people*—*derived* from the *people*—and, *from its nature, perpetually held in truſt* for the people. Hence we infer, that the people have the ultimate right to decide on the nature, extent, and

duration, of this power. Were I to ſubſtitute for *people* any term deſcriptive of the *governing power* in the State, you will not diſpute the propoſition. In your intended bill for regulating the Judicature of Wales, the propoſition is aſſumed as indiſputable. The office of Judge in Wales, as in England, is held for life; yet it never entered into Mr. Burke's head to conceive, that any *right* in the individual, *to adminiſter juſtice* during life, could be oppoſed to the intended reform of uniting the Judicature of Wales with that of England—to be adminiſtered by an additional number of Judges in our Supreme Engliſh Courts. The power of Parliament, to preſcribe the rule of conduct to all Magiſtrates, even the higheſt, is univerſally admitted. Innumerable acts have paſſed to limit, modify, and define, the prerogatives of the Crown. Almoſt all the acknowledged liberties of the people are ſanctioned, not created, by acts of Parliament, condemning the uſurped power of the Crown. The ſucceſſion to the Crown itſelf has been frequently changed by Parliament. When, therefore, you aſſert, that " his Majeſty's heirs,

each

" each in their turn and order, will come " to the Crown *with the ſame contempt* of " their choice with which his Majeſty has " ſucceeded to that which he now wears," you muſt mean, not with the ſame contempt of *Parliament*, but of the *People*. Were this true, the maxim " that the So- " vereignty, whether * exerciſed by one or " many, did originate from the people," would be " a poſition not worth denying " or aſſenting to," eſpecially as you have before informed us, that " *the diſtempers* " *of monarchy were the great ſubjects of* " *apprehenſion and redreſs in the laſt century*; " *in this the diſtempers of Parliament.* It is " not in Parliament alone that the remedy " for parliamentary diſorders can be com- " pleted; *hardly, indeed, can it begin* " *there* †." If, therefore, you can exclude the interference of the *people*, our caſe is hopeleſs indeed! You inſult us only with diſcloſing the nature and extent of the evil. " The notorious infidelity and verſatility of " Members of Parliament, in their opinion

* Appeal, p. 56.

† Thoughts on the Cauſe of the preſent Diſcontents, p. 101.

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" of men and things," is the evil, according to your deſcription; and its extent, that theſe Members, by an indiſcriminate ſupport " of all Adminiſtrations *, *have* " *totally baniſhed all integrity and confidence* " *out of public proceedings*, have confounded " the beſt men with the worſt, and weak- " ened and diſſolved, inſtead of ſtrengthen- " ing and compacting, the general order of " Government." In vain you now endeavour to evade this repreſentation, by referring to the ſuppoſed magical effect of your mutilated bill † of reform. *Your deliberate preſent judgment of this influence*, is unequivocally ſtated in a publication *ſubſequent* to your celebrated Reflections. You affirm, that the " King of Great Britain ‡, in " whatever concerns him as a King, or, " indeed, as a rational man, who combines " his public intereſt with his perſonal ſa- " tisfaction, does poſſeſs a more *real*, *ſolid*, " *and extenſive power*, than the King of " France was poſſeſſed of before this miſe-

* Thoughts on the Cauſe of the preſent Diſcontents, p. 101.

† Appeal, p. 41.

‡ Letter to a Member of the National Aſſembly, p. 67.

" rable

" rable Revolution." In *your judgment*, therefore, at this hour, the power of the King of Great Britain exceeds the depoſed deſpotiſm of France. It is merely diſguiſed, according to the maxim of an *unconſtitutional Stateſman*. " It * muſt be always the wiſh " of an *unconſtitutional Stateſman*, that an " Houſe of Commons, *who are entirely de-* " *pendent upon him, ſhould have every right* " *of the people* entirely dependent upon " their pleaſure. It was ſoon diſcovered, " that *the forms of a free*, and the ends of " *an arbitrary Government*, were things *not* " *altogether incompatible.*"

I am very far from adopting the extravagance of your preſent or former aſſertions, but merely mean to ſhew by an argument, *ad hominem*, the conſequences of your doctrine. If the people be not as competent to reform the *diſtempers of Parliament* in the preſent, *as the diſtempers of Monarchy* in the laſt century, the Britiſh Conſtitution muſt inevitably periſh. We modern Whigs, therefore, maintain, that this right of reforming Parliament belongs

* Thoughts on the Cauſe of the preſent Diſcontents, p. 12.

to

to the Nation, by the ſame unalterable law of God and nature, by which our anceſtors depoſed James the Second. We wiſh their deſcendants, guided by the ſame moral neceſſity, to emulate the praiſe of their moderation, and to reſtore the Conſtitution according to its *acknowledged principles*, by making the Houſe of Commons *a real effective repreſentation of the people*. Without a thorough union of intereſts with the great body of the nation, "ſuch * an aſſem-" bly may be a great, awful Senate; but " it is not to any popular purpoſe an Houſe " of Commons."

" Government†," you affirm, " is not " made *in virtue of natural rights*." If ſo, I ſhould be glad to know how it is made—except by *uſurpation*. No *original rights* can exiſt but thoſe of *nature*. If Government be not made in *virtue of natural*, it can be made in virtue of *no rights*; for the making any thing, precludes the idea of its *previous exiſtence*. Yet you tell us, " Government is a contrivance of *human*

* Thoughts, p. 69. † Reflections, p. 88.

" wiſdom

" wiſdom to provide for human wants." You plainly mean a contrivance of the *wiſdom of a few*, to provide for the *wants of the many*; for the ſingle want expreſſed is, " the want, *out of civil ſociety*, of a ſuffi- " cient reſtraint upon their paſſions. So- " ciety requires, not only that the paſſions " of individuals ſhould be ſubjected, but " that, even in *the maſs and body*, as well " as in the individuals, the inclinations of " men ſhould be frequently thwarted, " their will controled, and their paſſions " brought into ſubjection. This can only " be done *by a power out of themſelves*." That this wholeſome diſcipline, on every *individual* Member of the State, is an important object of ſociety—that fixed laws and eſtabliſhed courts are provided for this end—that the whole organization of Government " becomes a conſideration of " convenience," are propoſitions agreed. The reprobated Democrats of France expreſsly affirm, in their Declaration of Rights, " that civil diſtinctions † can be " founded only on *public utility*." They

* Reflections, p. 89. † Article 1ſt.

add, indeed, that " the nation is eſſentially " the ſource of all ſovereignty." This you controvert, becauſe the nation muſt be controlled *by a power out of themſelves.* If it be not intended to ſet up a foreign juriſdiction, from what ſource of right can Government be derived? The ſame objection which you urge with reſpect to the people, may be affirmed with greater truth of Kings. I do not ſubſcribe to your ſentiments, that " Kings are naturally lovers " of low company *." They undoubtedly have the education, and manners, and pride, and ſomething more than the pride, of gentlemen. Nor ſhall I approve the language, " † *that the meaneſt of us were de-* " *graded into the vices or folly of Kings.*" Yet Kings being men, muſt have the *peculiar defects incident to their ſtations.* They can have no *predilection* for thoſe equal rights which ſociety was inſtituted to protect. Neither can this protection *originate* in any ſelect body, becauſe ſuch a body not only *may*, but *muſt* have an intereſt diſtinct from that of the people. No other

* Speech on Reform, p. 68. † Speech at Briſtol, p. 11.

ſource

ſource of government, therefore, remains, but that "the nation is eſſentially the "ſource of all ſovereignty;" and it follows as a conſequence, "that not any in-"dividual, or body of men, can be entitled "to any authority which is not expreſsly "derived from it." What power ſhall reſtrain the people? may yet be aſked. A very ingenious and juſtly celebrated author, in his theory of moral ſentiments, has demonſtrated, that the feelings of the impartial ſpectator are the ſtandard of moral diſtinctions, and that God in his wiſdom has thus conſtituted man the natural guardian of the rights of man—But it is the rough diſcipline of equality which can alone teach each individual to reſpect the natural rights of others, or obey the great precept of moral as well as religious duty, to do unto others as he wiſhes them to do unto him. Aided by this inſtruction, implanted in the heart of man, reaſon has enabled us to deduce from theſe ſources a digeſt of moral duties. Aided by the experience of different nations, in the different ages of the world, philoſophy has taught the inſtitutions of Government beſt adapted

to enforce the performance of these moral duties. But *a sense of common interest*, in the great body of the people, can alone teach governors and governed to listen to the voice of Philosophy—can alone preserve, reform, or improve, the institutions fitted to promote the happiness of mankind.

Led by this train of reasoning, we boldly avow an approbation of the French Revolution, as destroying a despotism *in its nature subversive of all the rights of man.* We applaud the French Legislators laying the foundation of their Government in those *natural rules* of justice, which "ought "to run through, and be the foundation "of, the laws of all countries." We sincerely accord with their doctrine, that "the nation is essentially the source of "sovereignty," and that civil distinctions can "be founded only on public utility;" because the institutions of Government, or claims of Magistracy, *ought to have no other object* than the public happiness; and of the *means* of attaining this happiness, the nation must ever continue the sole, natural,

legitimate judges. We think the French Legiſlators wiſe in adopting general principles as the inſtitutes of legiſlation, becauſe, as Mr. Burke well obſerves, "*general principles** cannot be debauched or "corrupted by intereſt or caprice." In theſe poſitions we diſcover nothing adverſe, but, on the contrary, every thing highly congenial to the ſpirit of our own Government. In ſome parts of the French Conſtitution, perhaps we diſcover the rage of fanciful refinement; in other parts, inſtitutions well worthy of imitation: but above all, we diſcover, in the admirable repreſentation of the people, a principle of vigorous improvement abundantly ſufficient to correct all its defects.

You judge of our principles not by our language, or our actions, but by the heated imagination of an adverſary determined to condemn. Try us by experience of the paſt in the inſtance which you have choſen. "No perſons † were more fiercely active

* Speech on Reform, p. 15.

† Appeal, p. 50.

againſt

" againſt Mr. Fox and againſt the Houſe " of Commons, diſſolved in 1784, than " ſeveral of theſe Revolution-makers, " whom Mr. Burke condemns alike in his " remonſtrance, and in his book."

Though the author cannot admit the deſcription of " Revolution-makers," as applied to himſelf or his friends, or the ſuppoſed *fierce* activity againſt Mr. Fox, with whom he voted in Parliament, and whom he has ever greatly revered, he readily acknowledges, that his principles led him to condemn the conduct of the Houſe of Commons in 1784, in contradiction to his beſt friends and neareſt connections. Mr. Burke's candid conſtruction is given in theſe words: " He is perſuaded * that they " are totally indifferent at which end they " begin the demolition of the Conſtitu- " tion;" " ſome would deſtroy the Houſe " of Commons through the Crown; ſome " the Crown through the Houſe of Com- " mons." The beſt teſt of the truth or falſehood of this imputation will be faith-

* Appeal, p. 50.

ful

ful extracts from the arguments *at that time employed.*

The author, in 1784, was the firſt who publicly maintained it to be the duty of the King to diſſolve that Houſe of Commons; becauſe they deſtroyed the poor remains of controul in our Conſtitution, by arrogating to themſelves, in the nomination of Miniſters, the executive power of the Crown. Theſe were his reaſons for thinking ſuch an attempt, if ſucceſsful, would "render the Houſe of Commons worſe "than uſeleſs, and totally annihilate the "liberties of the country."

"Liberty *, to the individual, is nothing "more than a freedom from reſtraint. "Self-government, or a right to act from "the dictates of their own minds, is all "that the people can poſſibly poſſeſs: and "human laws, which have public free-"dom for their object, can do no more "than ſecure the actual enjoyment of this

* Claim of the Houſe of Commons, &c. p. 6, publiſhed 1784.

"right

" right to each individual, by repreſſing
" the encroachments of others. Hence
" reſults an important diſtinction.—The
" people at large, from the immutable na-
" ture of things, cannot poſſeſs other than
" *defenſive privileges*; and all profeſſed
" deſigns, to give them the *active powers*
" of Government, are a cheat, calculated
" only to advance the ambition of their
" leaders. The error, which deſtroyed
" all the Republics of antiquity, was this
" deluſion. The people were taught to
" graſp at power, which ever muſt be the
" power of others. They conferred, in-
" deed, this power on their favourites; but
" theſe favourites became the tyrants of
" their country. The people at Rome
" might enliſt under different leaders; but
" whether Pompey or Cæſar prevailed, the
" effect was the ſame—the people were
" enſlaved. They ſtruggled for a time
" with this original ſin in their Conſtitu-
" tion. By laws they limited the duration
" of office. They divided and ſubdivided
" the powers of Government. They cre-
" ated peculiar Magiſtrates to watch over
" the public freedom: but in the tribunes

" of

" of the people, Cæſar found the inſtru-
" ments of his ambition at the very hour
" he was marching his army to ſubdue
" the Republic. In this country the
" people have adopted a different mode.
" They have renounced all pretenſions to
" power, which it is impoſſible the people
" can ever enjoy; and contenting them-
" ſelves with what is practicable in Go-
" vernment, they have retained only *de-*
" *fenſive privileges* to themſelves, or their
" repreſentatives, veſting the *active powers*
" of Government in an hereditary Mon-
" arch. The whole fabric of the Britiſh
" Conſtitution conſiſts of bulwarks erected
" againſt the abuſe of power: but as the
" Conſtitution has veſted the executive
" power in a Monarch, all our laws are
" framed to regulate the exerciſe of this
" power in *his* hands. The whole autho-
" rity, even of the Houſe of Commons,
" legiſlative and inquiſitorial, is directed
" to theſe two objects; to ſtipulate in the
" form of laws, the terms on which the
" Monarch is permitted to govern, and to
" enforce the obſervance. Let the Houſe
" of Commons uſurp the executive power

" —what ſecurity remains to the people?
" All exiſting laws are a dead letter; for
" who ſhall enforce their obſervance?
" What *new* laws, adapted to the control
" of this *new* power, can the people expect,
" when thoſe, whoſe duty it it to propoſe
" theſe laws, are become parties in the
" abuſe?

" Men who have attended the buſy
" ſcenes of parliamentary debate, eſpeci-
" ally thoſe *whoſe minds have been de-*
" *bauched by the mixture of executive go-*
" *vernment, which corrupt Miniſters have*
" *introduced into the Houſe of Commons,*
" may be ſurpriſed at the aſſertion, that
" all the rights of the people, and of their
" repreſentatives, are, and muſt be, while
" public freedom is their object, mere de-
" fenſive privileges. Yet nothing can be
" more demonſtrably true; and the happy
" effect of the application is principally
" owing to the *excluſive* poſſeſſion of the
" *active powers* of Government by the
" Monarch. This ſituation binds the re-
" preſentatives to the conſtituents, and the
" whole nation each to the other in the

" indiſſoluble bonds of one common in-
" tereſt—a common intereſt in enacting
" equitable laws, and compelling the ob-
" ſervance."

Again *, " The true queſtion, therefore,
" ſtripped of theſe falſe colours, will be,
" Is it the duty of the Houſe of Com-
" mons to uſurp the prerogative of nam-
" ing Miniſters? On this queſtion I have
" no difficulty in deciding. The Houſe of
" Commons poſſeſſing this power, can no
" longer anſwer the purpoſe of its inſtitu-
" tion, but will become a curſe and ſcourge
" to the country, from the moment in
" which they ſucceed."

" The direct means of ſecuring the
" bleſſing of liberty and independence to
" the individual, are the laws relative to
" the judicial authority. Hence the in-
" independence of Judges; the ſtrict ad-
" herence to known rules; the trial by
" Jury, that admirable inſtitution, which

* Claim of the Houſe of Commons, &c. p. 6, pub-liſhed 1784.

" commits the ſafety of each individual to
" twelve men, who have an equal intereſt
" with himſelf in the general ſecurity.
" Hence, likewiſe, that excellent writ
" which reveals the ſecrets of priſons, and
" ſuffers not even the neceſſary means of
" juſtice to be employed to the purpoſe of
" oppreſſion. Of what uſe are all theſe
" laws, if there be none to enforce the
" obſervance? The inquiſitorial power
" of the Houſe of Commons is here the
" defence of the ſubject. This aſſembly
" can examine into every evaſion or viola-
" tion of private or public right: they
" can attain that perfect inveſtigation of
" every abuſe which individuals would at-
" tempt in vain. Theſe abuſes may be
" protected by Miniſters. They can im-
" peach Miniſters, or their inſtruments.
" But is the diſcharge of this their firſt duty
" conſiſtent with the nomination of Mi-
" niſters — with the participation of their
" power — with having themſelves an in-
" tereſt in the abuſes they ſhould correct?
" A Houſe of Commons, under ſuch cir-
" cumſtances, would quickly become par-

" ties

" ties in the oppreſſion of a plundered
" people.

" To provide for the obſervance of ſub-
" ſiſting laws, by the moſt exact admi-
" niſtration of juſtice, would be of little
" avail, if the people had no means of
" obtaining equitable laws, as the rule of
" conduct, which their Governors were
" compelled to obſerve. A ſingle law
" might annihilate all their rights in an
" inſtant. This, indeed, were little to be
" feared, for undiſguiſed violence is ſel-
" dom attempted; but it requires all the
" watchful jealouſy, which the enjoyment
" of theſe ineſtimable rights can inſpire, to
" guard againſt the daily encroachments
" of power, and to repair the frequent
" breaches, which the moſt perfect ſyſtem
" of Government, like all other human
" inſtitutions, muſt ſuſtain. This office
" the people of England have delegated
" to their repreſentatives in Parliament;
" and it forms far the moſt important
" duty of the Houſe of Commons. Are
" the preſent pretenſions of that Houſe
" conſiſtent with the upright diſcharge of

" this

" this their moſt important duty? In the
" exerciſe of this truſt, they are to ſtipulate,
" with the executive authority of the
" State, the terms and conditions of its
" exerciſe; and where former laws have
" proved inſufficient to prevent abuſe,
" they are to exact new laws, ſuch, if
" poſſible, as will preclude future evaſion.
" *One great evil which had ariſen from va-*
" *rious cauſes, foreign as well as domeſtic,*
" *was the influence which the executive Ma-*
" *giſtrate had attained in our National Aſ-*
" *ſemblies. The private intereſt of indivi-*
" *duals almoſt ſilenced the national intereſt,*
" *which ought ever to dictate the reſolutions*
" *of the Houſe of Commons.* Remedies
" from time to time have been applied.
" Laws have been made to exclude Place-
" men from ſeats in that Houſe, and even
" from a voice in the election of Members.
" The caution was neceſſary, leſt the exe-
" cutive Magiſtrate ſhould be able, by in-
" fluencing the voice of the majority, to
" preſcribe, in the form of laws, the rules
" of *his own conduct.* Will this evil be
" leſs, if, by the election of Miniſters, or,
" in other words, by the exerciſe of the

" Royal

" Royal authority in the Houſe of Com-
" mons, the general intereſt of the body
" becomes the advancement of their own
" power? Will not they, in the character
" of Legiſlators, preſcribe the rules moſt
" conſonant to their own views, regardleſs
" of the general intereſt of the commu-
" nity? The attempt to poſſeſs them-
" ſelves of the executive authority, which
" they were appointed to watch and con-
" trol, is, in my judgment, a direct abdica-
" tion of their truſt; for the very founda-
" tion of confidence is ſubverted. How
" can the people confide in, how can the
" people be *repreſented* by, thoſe, *who no*
" *longer have a common intereſt with them-*
" *ſelves?* The natural intereſt of men
" raiſed to ſtations of public truſt, is the
" advancement of their own power. The
" intereſt of the people at large ever muſt
" be general liberty. The only band that
" can repreſs the effect of this diſtinction,
" that ever can unite the repreſentative
" body with the reſt of the nation, is the
" utter impoſſibility of obtaining a per-
" manent power to themſelves.

" Beſides

" Beſides the judicial authority, which " ſecures the rights of the ſubject, as de- " fined by the exiſting laws, and the le- " giſlative power, which preſcribes, in the " form of laws, the rules of deciding on " theſe rights, there yet remains a claſs " of rights which do not ſo properly relate " to the individual as to the whole com- " munity. Theſe may be conſidered as " the property of the State. Here *is the* " *great temptation to abuſe*; becauſe the " miſapplication, which to the individual " is a fortune, is loſt in the magnitude of " the general object. The actual exerciſe " of theſe rights is veſted in the King; " the excluſive power of providing the " means, and judging of their application, " remains to Parliament; *and on this ſepa-* " *ration depends the whole control which our* " *Conſtitution has yet eſtabliſhed.* Thus " Parliament previouſly judge, whether " the ſervice propoſed will be for the ad- " vantage of the State; but to remove the " temptation of betraying their truſt, the " grant, if proper, muſt be made to the " King—Parliament decide what number " of men are required for the land and ſea " ſervice;

" ſervice; but the diſpoſal of commiſſions,
" together with the command of thoſe
" forces, belongs unalienably to the King.
" Parliament, in the mutiny bill, annually
" preſcribe the mode of governing the
" army; but that government can never
" be in their own hands — Parliament
" aſcertain what ſums ſhall be applied to
" this ſervice, and how theſe ſums ſhall be
" raiſed; but the collection and adminiſ-
" tration of this money muſt be in the
" hands of the King. The ſame rule pre-
" vails in every other public ſervice, which
" the neceſſities of ſtate demand. Let the
" Houſe of Commons, by cabals among
" themſelves, name the Miniſters who are
" to exerciſe theſe powers, which the Con-
" ſtitution has entruſted to the King, and
" they have from that moment a direct in-
" tereſt in the abuſe. Will Parliament be
" jealous of the army? The greater the
" army, the more commiſſions will be in
" their diſpoſal; the greater the force in
" their hands. Will Parliament be ſoli-
" citous in preſcribing the rules for go-
" verning the army, to prevent its becom-
" ing an inſtrument of tyranny? The

" tyranny will be their own. Will Par-
" liament be ſevere economiſts in the ma-
" nagement of the public purſe? Ridicu-
" lous hope! The larger the ſums raiſed
" on the people, the greater the profuſion
" in every public ſervice; the more the
" leaders in Parliament, and their depen-
" dants will fatten on the public ſpoils.
" *The unconſtitutional mixture of the legiſla-*
" *tive and executive powers of late years*
" *has been the principle cauſe of the waſteful*
" *expenditure of public money, which has al-*
" *moſt made bankrupt the country.* This
" cauſe has already prevented any very
" ſtrict account being required of thoſe to
" whom the truſt has been committed;
" but the modern doctrines preclude a
" poſſibility of any futute inveſtigation.
" Who are to attempt this duty? The
" Parliament, who have named the Mi-
" niſters—who are already become parties
" —or, to ſpeak more correctly, *the Lead-*
" *ers of this Parliament, who are the Miniſ-*
" *ters themſelves!* The moment in which
" the nomination of Miniſters in the Houſe
" of Commons is underſtood to be the
" Conſtitution, we may expect to ſee rival

" factions

" factions dividing or uniting, not upon
" any ſenſe of public duty, or principle of
" public conduct, but uniting to ſeize, or
" quarrelling on the diviſion, of the public
" ſpoils. No conformity of ſentiment:
" no concurrence in the proſecution of a
" public intereſt, will be required. The
" ſole conſideration will be, how many
" votes each leader can command to form
" a majority, and how to accommodate
" the diſtribution of power and emolu-
" ment, to the ambition or avarice of in-
" dividuals. The votes of the Houſe will
" no longer depend on the merits of the
" queſtion, but on the previous treaty
" which has apportioned the plunder of an
" oppreſſed country."

This tract was written againſt the attempt of united parties in the Houſe of Commons to name the Miniſters of the Crown. This was the caſe deſcribed by Mr. Burke, in which " a man, who,
" among various objects of his equal re-
" gard, is ſecure of ſome, and full of
" anxiety for the fate of others, is apt to
" go to much greater lengths in his pre-

" ference of the objects of his * immediate " ſolicitude." Yet Mr. Burke cannot point out any paſſage in this, or in any writings of the author, unbecoming a man, who believes " that the Britiſh Conſtitution ought " to conſiſt of the three members of three " very different natures," " and thinks it " his duty to preſerve each of thoſe members in its proper place, with its proper " proportion of power."

Very few years had elapſed before the author had occaſion to maintain, that the " ſituation † of parties was preciſely reverſed, but the intereſt of the people " continue the ſame; and we are taught " this uſeful leſſon, that, amidſt the contentions of ambitious individuals, a *ſtrict* " *attachment to the forms and ſpirit of the* " *Conſtitution*, in the great body of the " people, can alone give permanent ſecurity to the rights of all." The avowed principles of the author neceſſarily led him

* Appeal, p. 32.

† Thoughts on the preſent Proceedings of the Houſe of Commons, p. 1, publiſhed in 1786.

to

to reprobate the frantic partition of Royal authority, attempted in the intended Regency; becauſe he thought the ſame *powers* proportioned to the *ſame end* at all times equally neceſſary—a *truſt* in the individual created for the *ſole benefit* of the people. Condemning alike the object and the means, he reprobated the ſubſtitution of the great ſeal for an hereditary Monarch in legiſlation; as if it was intended to hold out Monarchy to contempt and ridicule, by proving the *mind of the man* was not involved in the idea of a King. That the ſilverſmith makes the King, or that the people are his property, our author equally diſclaims; but maintained, that as "the "powers of Government are *truſts* given "for the *benefit of the community*, not of the "*individual*, the exerciſe of theſe powers "cannot be ſuſpended by the diſability of "the *truſtee* to await his *future diſpoſal*." That as the principle upon which the "*active executive* powers of Government "are rendered hereditary in one perſon, "the King, is, that *theſe powers* may be for "ever placed beyond the graſp of ambi-"tious citizens," it followed, "that the

" Heir Apparent, having the *ſame intereſt* " in the *preſervation* of theſe prerogatives " as the reigning King," poſſeſſed a claim which the two Houſes of Parliament could not impeach; though the *right and power of the people to new model the whole Government* * was expreſsly admitted. He concluded, that as " it is neceſſary for our " *own ſecurity* to preſerve the *hereditary* " *title* to the Monarchy as a fundamental " law of the Conſtitution, † the ſame " principle excludes every other indivi- " dual, and all bodies of men, from parti- " cipating with the Heir Apparent of full " age, the exerciſe of regal power, during " the incapacity of the King. The ſingle " diſtinction between this caſe and an ac- " tual demiſe of the Crown is, that the " right of the King to reſume the govern- " ment muſt be *uniformly acknowledged* by " a *continual exerciſe* of the regal powers in " his name; and this *uniform acknowledg-* " *ment* is all which the God of Nature per-

* Thoughts on the preſent Proceedings of the Houſe of Commons, p. 8, publiſhed in 1786.

† Ibid, p. 3.

" mits

" mits him *perſonally* to poſſeſs until a ca-
" pacity to reſume the actual exerciſe of
" power ſhall return. The queſtion, there-
" fore, is not, whether the King ſhall *per-*
" *ſonally* exerciſe the Royal power himſelf,
" for this the God of Nature *has prohi-*
" *bited*; but whether *the exerciſe* of the
" executive ſhall be united with the legiſ-
" lative power in the two Houſes, or de-
" volve on the Prince, the *hereditary ſuc-*
" *ceſſion* being eſtabliſhed, to exclude a
" *poſſibility of this union.* Whether theſe
" powers, once united, ſhall again be ſe-
" parated, muſt depend on the pleaſure of
" the two Houſes; and that the liberties
" of Great Britain ſhall depend on their
" pleaſure, I affirm not to be the law of
" the Conſtitution: on the contrary, our
" liberties depend on the balance of the
" three Eſtates, upheld in *their reſpective*
" *rights* by the people."

What was done, is in the recollection of every body. A vile ſcramble for power in the Houſe of Commons enſued. A Regency bill, parcelling out the Royal authority, ſuſpending in ſome parts its exerciſe,

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was framed, as if the truſts of Government had been the *private property* of the King. The great ſeal was introduced to act the part of King. The votes of individuals ſeemed to hang on the daily reports of phyſicians; and thoſe ſinks of human miſery, public and private madhouſes, were viſited to calculate the probability of the King's recovery. Theſe are ſcenes which diſgrace the government of a country, and to which Mr. Burke's maxim may juſtly be applied: "With ſuch things before our "eyes, our feelings contradict our theo- "ries—and when this is the caſe, *our feel-* "*ings* are true, and our theories are falſe."

When the French Legiſlators enacted preciſely our author's idea of a Regency, the ſubſtitution of the next heir to act with the *ſame powers* in the name of the *King*, during his perſonal incapacity; when they adopted his favourite principle, ſo eſſential in his judgment to a free Government, by a *total ſeparation* of the *legiſlative* and *executive* powers in their new Conſtitution, not to applaud their labours, would be to condemn himſelf. But does it follow, in

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any fair or juſt reaſoning, that becauſe he thinks the rights of natural juſtice ought to be the foundation of all Government—or thinks, with Mr. Burke, "that general "principles cannot be debauched or cor-"rupted by intereſt or caprice;" and thence deduces, that general principles are the *ſafeſt and pureſt* ſource of legiſlation: if he maintains, with Mr. Burke and his friends, his own ideas on the Regency, though adopted by France; or againſt Mr. Burke's favourite plan of *an ariſtocracy, governing both Prince and People*, that a ſeparation of legiſlative and executive powers was a wiſe meaſure of the French, and perfectly conformable to the theory of the Britiſh Conſtitution—does it follow, I ſay, in any fair or juſt reaſoning, that he muſt indiſcriminately approve the whole Legiſlation of France, much leſs *under circumſtances greatly diſſimilar*, ſeek to eſtabliſh the whole in this country? May he not wiſh to transfer the ſpirit in which the ſubject has been conceived, and by recalling the acknowledged principles of the Britiſh Conſtitution into action, to renovate its vigor?

There is no part of the new Government of France ſo eagerly approved, by *all parties*, as their judicial Conſtitution; yet none which on paper appears to verge ſo much towards viſionary exceſs. It were an irreſiſtible argument in this country to affirm, that our laws have long ſecured perſonal independence, exempting Britons from the *individual particular* oppreſſions under which other nations have groaned. None, therefore, will, in this kingdom, "incorporate themſelves for the utter overthrow of the body of its laws, civil and eccleſiaſtical, and, with them, of the whole ſyſtem of its manners, in favour of the new Conſtitution, and modern uſages of the French nation." Yet it is impoſſible to trace even theſe Britiſh bleſſings to their *ſource*—the adminiſtration of juſtice by the PEOPLE THEMSELVES, without diſcovering the ſource of abuſive eſtabliſhments, of enormous debt and taxes, in a total excluſion of the PEOPLE from all ſhare in Legiſlation.

Here France triumphs! Their Legiſlature is, *in fact*, what the Britiſh is merely in

in *theory*, " a Government by popular re-
" preſentation." Paſſing by the apportion-
ment of population, taxation, and terri-
tory, (which may poſſibly be rather a the-
oretic refinement than a practical advan-
tage), the people nominate electors in the
proportion of one to an hundred active citi-
zens. Theſe nominations are made in diſ-
tricts of ſuch moderate extent, that the
riots, drunkenneſs, and other evils of our
popular elections, are for ever excluded.
The active citizens are ſo *numerous*, and the
truſt of the electors ſo *fugitive*, that neither
the means nor temptation to corrupt can
exiſt. The electors are no ſooner *known*,
than they proceed to *nominate* repreſenta-
tives to the National Aſſembly, neither
time nor opportunity for intrigue being
admitted, no other foundation of choice ex-
iſting than *public opinion*. The renovation
of this Aſſembly, ſo choſen, every two
years, and the total excluſion of its Mem-
bers from all participation of executive Go-
vernment, promiſe an incorrupt organ by
which the public mind may ſpeak in Legiſ-
lation. " To follow, not to force, the
" public inclination; to give a direction, a

" form, a technical dreſs, and a ſpecific " ſanction to the general ſenſe of the com- " munity, is the true end of Legiſlation*." Is it poſſible for Mr. Burke, with this ſentiment engraven in his heart, to repreſent the French Conſtitution as one " ſyſtem of " anarchy," one " digeſt of confuſion !"

To ſpeak with decency, and at the ſame time with truth, of that aſſembly, which in England we call a popular repreſentation, is extremely difficult. " Againſt † " the *being* of Parliament, I am ſatisfied," ſays Mr. Burke, " no deſigns have ever " been entertained ſince the Revolution. " Every one muſt perceive, that it is " ſtrongly the intereſt of the Court to have " ſome *ſecond cauſe* interpoſed between the " Miniſters and the people. The gentle- " men of the Houſe of Commons have an " intereſt equally ſtrong in ſuſtaining the " part of that intermediate cauſe. How- " ever they may hire out the *uſufruct* of

* Mr. Burke's Letter to Briſtol, p. 52.

† Thoughts on the Cauſe of the preſent Diſcontents, p. 11.

" their

" their voices, they never will part with " the *fee and inheritance.*" According to Mr. Burke, the Houſe of Commons is that *Cour Pléniere*, by which the declining deſpotiſm of France attempted to conceal its features from the public view. Another elegant and accompliſhed writer denominates the Houſe of Commons " a cumbrous and " expenſive chamber * for regiſtering Mi- " niſterial edicts." Theſe deſcriptions convey imperfect ideas. The conſtitution of that aſſembly is itſelf the perennial ſource of waſteful prodigality, which conſumes the vitals of the State, while the defects of that aſſembly are perpetually aggravated, and acquire daily ſtrength from the increaſing corruption which that prodigality engenders. Perhaps there never were more idle debates, than whether the redeeming million of Mr. Pitt has, or has not, an exiſtence. A million ſurplus of annual revenue is in itſelf a ſerious object— but if this ſuppoſed million were *five*, the habitual hunger of our ſyſtem would quickly demand additional ſupplies. Since

* Mackintoſh's Vindiciæ Gallicæ, p. 338.

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the peace, extraordinary armaments have required new taxes (beyond the ſurviving burden of wars) to the amount of an annual million of *pretended temporary duration*; but the proſpect of relief daily diſſolves amidſt new follies. Thirty-five years, one half of the ordinary life of man, have added to our public debt an accumulation of nearly two hundred millions. That the *ſame cauſes* will not continue to operate the *ſame effects*, were an hope more viſionary than the waking dream of projector ever created.

That the Houſe of Commons is a ſeminary of genius, ſerves only to gild our ruin. Knowledge, talents, eloquence, all that can raiſe and adorn the individual, may enhance his eſtimated price, but can fulfil no public duty in an aſſembly where party attachments are the ſole acknowledged virtue. In this aſſembly of pretended control all inquiries are reſiſted. A total dereliction of public truſt is diſguiſed to the more ingenuous under the ſemblance of ſupporting a Miniſter, while the truly zealous partizan applauds the waſte, which, by feeding

the ſordid mercenaries, ſwells the phalanx of his friends. Even the people, diſguſted with the conflicts of party, with coalitions and anti-coalitions, are led by degrees to regard the whole as a ſcene of contention for power, in which they can have no intereſt. Whether Cæſar or Pompey prevails, their burdens continue to increaſe; until tax-gatherers ſwarm like locuſts, and devour all the labours of man.

Theſe evils proceed from two radical defects in the conſtitution of the Houſe of Commons; firſt, from the *unnatural mixture of executive government in an aſſembly formed to control*; for as Mr. Burke juſtly obſerves, "to exerciſe authority, and to "control, is contradictory and impoſſible;" ſecondly, from what is ſometimes called *unequal* repreſentation, *a contradiction in terms*; for this ever muſt be the domineering *intereſt* of a *few*, ever muſt generate the oppreſſion and plunder of the *many*.

I know the objection that is made to an excluſion of Miniſters from the Houſe of Commons—that it would devolve the executive

cutive Government on men of ſecondary talents. To thoſe who cannot conquer the prejudice, which the ſplendid eloquence diſplayed in theſe contentions for power is too apt to beget, it were vain to obſerve, that the really uſeful duties of executive government are well diſcharged by men formed by the routine of office, and who, without any great effort of imagination, may be conſidered as parts of the machine. If minds ſplendidly endowed do effectively engage in affairs, their paths are ever marked with ruin. To mix in the intrigue of Cabinets, to ſettle the imaginary balance of power, to impoſe a form of government on one reluctant people, to adjuſt the limits of dominion to another—theſe ruinous purſuits always engroſs ſuch minds, who ſeem not to be conſcious of their powers, unleſs they wield the armies and navies of the State. Whether their projects be ſucceſsful or defeated, decides only the meaſure of the miſchief. Their projects are always expenſive, and the people are oppreſſed. The proper ſcene for great talents is legiſlation—to develope the principles, and practically to apply the maxims of that glo-

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rious ſcience—the ſcience in civil order of giving protection to mankind. But to diſcharge this important duty, worthy to engroſs the greateſt talents, and to fill the moſt extended life, a man muſt bring with him into the ſervice of his country a heart devoted to the *public intereſt*. If, on the contrary, he be embarraſſed with pre-conceived plans of perſonal ambition, *in the vulgar acceptation of the term*, the greateſt talents will be employed, not in teaching the ways of truth, but to perplex, to confound, and to ſpread a deluſive cloud before the eyes of the nation. The proper ambition of great luminaries is to inſtruct the age in which they live, and to erect for poſterity the edifice of public happineſs on the ſolid baſis of eternal truth.

The ſecond radical defect of our Houſe of Commons is the mode, or rather modes, of election; for time, accident, and the Gothic origin of our Government, have given ſuch various and fantaſtic rights of election, as by the exceſs of abſurdity elude all reaſoning. The reſult, however, is, that 41,000 electors, for the moſt part of

that condition of life which expoſes them to the ſeductions of corruption, return 369 Members; a large majority of that aſſembly, miſcalled an Houſe of Commons. Such electors are managed with the utmoſt facility by thoſe who poſſeſs the receipt and expenditure of the public money; while the remains of independence among the elected muſt be ever extinguiſhed by the immenſe patronage of the Miniſters of the Crown. The effect has been ſuch as a reaſoning mind would foretell—extreme profuſion, a continual anticipation of the reſources of the country, an accumulation almoſt without remiſſion of public debt, now arrived to a magnitude which depreſſes the induſtry of the country, and cruſhes out the lives of our poorer fellow citizens in penury and want. While the cauſe continues, theſe, and many other evils of perverted legiſlation, muſt continue to operate with accelerated force, until public convulſions may probably enſue, equally deſtructive of the order of the ſtate, and dangerous to private property. What is the ſource of theſe evils, no man can doubt. An Houſe of Commons, elected by a few, and actu-

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ated by the private intereſt of its Members, cannot expreſs the public will, or conſult the common intereſts of a whole people.

Mr. Burke has repeatedly, and with deliberation, aſcribed all our evils to the ſame cauſe. "The * *gentlemen of the Houſe* "*of Commons* have an *intereſt equally ſtrong* "in ſuſtaining the part of that interme- "diate cauſe. However they may hire "out the *uſufruct* of their voices, they "never will part with the fee and inheri- "tance." "An influence †," he tells us, "which operated without noiſe, and with- "out violence; an influence which con- "verted *the very antagoniſt* into the *inſtru-* "*ment* of power; which contained in it- "ſelf *a perpetual principle of growth and* "*renovation*; and which the *diſtreſſes and* "*the proſperity* of the country *equally* "*tended to augment*, was an admirable ſub- "ſtitute for a prerogative, that, being only "the offſpring of antiquated prejudices,

* Thoughts on the Cauſe of the preſent Diſcontents, p. 12.

† Ibid. p. 13.

 "had

" had moulded in its original ſtamina irre-
" ſiſtible principles of decay and diſſolu-
" tion." The effects Mr. Burke, at a pe-
riod long ſubſequent, thus deſcribes:
" But * what I confeſs was uppermoſt with
" me, what I bent the whole force of my
" mind to, was the reduction of that *cor-*
" *rupt influence, which is itſelf the perennial*
" *ſpring of all prodigality*, and of *all diſor-*
" *der*; which loads us more than mil-
" lions of debt; which takes away all
" vigour from our arms, wiſdom from our
" councils, and every ſhadow of authority
" and credit from the moſt venerable parts
" of our conſtitution." Mr. Burke de-
clares, " † It is not in Parliament alone
" that a remedy for parliamentary diſor-
" ders can be completed; *hardly, indeed,*
" *can it begin there.*" Yet when gentle-
men met at a tavern with perfect good hu-
mour, expreſs, in the convivial language
of toaſts, ſentiments far ſhort of Mr. Burke,
he brands them as incorporated for the over-
throw of the laws and government of their
country.

* Speech on Reform, p. 1. † Thoughts, p. 100.

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In his apology for *himſelf*, when charged with inconſiſtency, when this inconſiſtency was proved upon him by *extracts*, faithfully taken from *his own publications*, *deliberately printed many months* after they were compoſed, and at different periods during twenty years, Mr. Burke intreats from the gentle reader the moſt liberal indulgence—an indulgence *ſo liberal* as almoſt to admit the charge—"A man who, among various "objects of his equal regard, is ſecure of "ſome, and full of anxiety for the fate of "others, is apt to go greater lengths in his "preference of the objects of his immedi-"ate ſolicitude than Mr. Burke has ever "done. A man ſo circumſtanced often "ſeems to undervalue, to *vilify*, and *almoſt* "*reprobate and diſown* thoſe that are * out "of danger." He then illuſtrates this ſingular apology by a ſtory as applicable as the hiſtory of the Little Red Riding-hood, the *frantic paſſion* of King Priam over the dead body of Hector, driving from him his ſurviving ſons, who attempted to ſtem the firſt torrent of his grief. "This is the

* Appeal, p. 32.

"voice

" voice of nature and of truth." Agreed. But will you permit a plain man to aſk a few plain queſtions:—Was Mr. Burke under the like impreſſion of paſſion, *ſuſpending the operation of reaſon*, when he compoſed *all his political works?* Did no leiſure intervene? No opportunity occur of bringing down the tone " of an ardent and " eloquent mind" to the language of truth? Did he never ceaſe to " * prefer " a dead carcaſe to his living children?" Are political pamphlets, the works of the cloſet, the fruits of literary leiſure, to be tried by the ſame criticiſm with the more animated exertions of eloquence in the Senate? How happens it, that theſe ſentiments are *uniform*, until Mr. Burke becomes at once the advocate of a deſpotiſm, which he himſelf had deſcribed " the " common enemies to the freedom of " mankind?"

Surely it becomes Mr. Burke, urging ſuch an apology for himſelf, to judge of others as he wiſhed himſelf to be judged.

* Appeal, p. 32.

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He would not have us believe, that the pomps and vanities of holy church alone engroſs his zeal, forgetful of its precepts. If a ſet of gentlemen thought that Mr. Paine, by his maſterly hiſtory of the French Revolution, had effectually confuted Mr. Burke's calumnies on the National Aſſembly; if they thought the ſame author had ſucceſsfully reprobated doctrines inconſiſtent with the exiſtence of freedom; if they recommended the peruſal of his book as a ſtrong antidote to the ſtrong poiſon of Mr. Burke; does it follow that the republican ſyſtem, natural to an American, was recommended as the model of Britiſh freedom? But thoſe whom Mr. Burke traduces, the gentlemen who convened the meeting on the 14th of July, had no connection with the ſociety who publiſhed the recommendation of this treatiſe. That their ſentiments do not concur with the paſſages ſelected by Mr. Burke, I poſitively know. It happened to me to be aſked the queſtion, whether an eminent printer might ſafely publiſh Mr. Paine's pamphlet? I thought, if *ſafely* meant *without dread of a proſecution*, he might; for, after Mr. Burke's libel

libel on the Government and whole People of France, no public officer would criminate an anſwer without becoming a party in the diſpute. At the ſame time I marked many paſſages (for the moſt part thoſe ſelected by Mr. Burke) as unfit for publication in this kingdom. The author refuſed to correct; the printer refuſed to publiſh; and the publication paſſed into other hands. This anecdote was known to thoſe gentlemen who requeſted me to take the chair, urging as a reaſon, (the ſingle reaſon that could be given for ſuch ſelection), that my principles of Government were in the hands of the public, and could not be miſunderſtood.

With equal infelicity of ſelection does Mr. Burke endeavour to vindicate himſelf, as he attempts to criminate others. In Dr. Sacheverel's trial the Whigs unqueſtionally meant to vindicate their own principles of reſiſtance to unjuſt government: but, in a *criminal acccuſation*, this was done with great diſadvantage. The Doctor was defended by able Counſel, profeſſed Tories, who availed themſelves of the ſtrong

ground which his ſituation as a *criminal* afforded. The Managers for the Commons were compelled to admit, that while the laws condemned *generally* reſiſtance, they were totally ſilent as to *the excepted caſes*; and it was impoſſible to urge as a *crime* on the individual, *that he was not wiſer than the law.* The Homilies, moreover, which a clergyman might regard as the models of his ſermons, held a yet ſtronger language. The Managers, therefore, were driven to ſtate, in the moſt explicit terms, that while the accuſed employed the *ſtrongeſt language of ſubmiſſion*, he was perfectly innocent; but that the manifeſt object of the ſermon was to diſcredit the Revolution, an *impliedly excepted caſe* of reſiſtance, proceeding upon ſuch *plain and palpable neceſſity*, that no man could miſtake; and thereby to diſcredit the ſettlement built on that *neceſſary reſiſtance.* The topics which ſuch a caſe required are evident; yet will any man infer from the language *neceſſary to ſuch a cauſe*, that the Whigs aſſented to *the degree of civil obedience* taught by the Homilies, finally ſettled under the eye of a Sovereign, who repeatedly impri-

ſoned Members of Parliament for preſuming to debate her prerogatives? and avowed the motives of that impriſonment in her ſpeeches from the Throne? Let us ſubſtitute Burke for Sacheverel, adapt the accuſation to the admitted evils of our days, and try how he will eſcape. It might be ſaid, "Mr. Burke's intention to diſcredit "the principles of a free Government are "more evident than the deſigns of Sache-"verel himſelf; that he has not only de-"nied the right of the people to chooſe "their Governors, as exerciſed at the Re-"volution, with a full knowledge that "King William was *choſen* for life, and the "anceſtors of his preſent Majeſty *elected* in "preference to thoſe prior in deſcent; but "that he has done this *with a view to diſ-"courage all interpoſition of the people* in the "affairs of Government, being himſelf "perfectly ſatisfied, that the *diſtempers of "Parliament were the diſtempers of his own "time*; and *the remedy for parliamentary "diſorders can never be compleated in Parli-"ament—nay, ſcarcely begin there.*" Read the deliberate writings of the accuſed, and pronounce the verdict.

Mr.

Mr. Burke is not more fortunate in the authorities to which he refers. Who can diſſent from his eulogy on the Preſident Monteſquieu? "* Think of a genius not "born in every country, or every time; a "man gifted by nature with a penetrating "aquiline eye; with a judgment prepared "by the moſt extenſive erudition; with "an Herculean robuſtneſs of mind, and "nerves not to be broken with labour; a "man who could ſpend twenty years in "one purſuit. Think of a man like the "univerſal patriarch in Milton, (who had "drawn up before him, in prophetic "viſion, the whole ſeries of generations "who were to iſſue from his loins), a "man capable of placing in review, after "having brought together, from the Eaſt, "the Weſt, the North, and the South, "from the coarſeneſs of the rudeſt barba-"riſm to the moſt refined and ſubtle civi-"lization, all the ſchemes of Government "which had ever prevailed among man-"kind, weighing, meaſuring, collating, "and comparing them all, joining fact

* Appeal, p. 115.

" with theory, and calling into council,
" upon all this infinite aſſemblage of
" things, all the ſpeculations which have
" fatigued the underſtandings of profound
" reaſoners in all times! Let us then con-
" ſider, that all theſe were ſo many prepa-
" ratory ſteps to qualify a man, and ſuch
" a man, tinctured with no national preju-
" dice, with no domeſtic affection, to ad-
" mire, and hold out to the admiration of
" mankind, the Conſtitution of England!
" and ſhall we Engliſhmen revoke to ſuch
" a ſuit?" No. Let Monteſquieu be judge, and Burke the *patriot* be the witneſs to ſtate the facts. I then affirm the deciſion is with me in every litigated point.

The reader will be ſo good as to recall to his memory thoſe paſſages I have tranſcribed from the writings of Mr. Burke. Let him even qualify and reſtrain them by the moſt temporate conſtruction; and then collect from Mr. Burke *the actual ſtate* of the Government of this country. On the laws which conſtitute the freedom of the individual ſubject, we are agreed; for Monteſquieu diſtinguiſhes between the freedom

freedom of the conſtitution and the freedom of the ſubject. "The ſubject may be "free, and not the conſtitution *." The freedom of the ſubject, according to this writer, may ariſe "from morals, cuſtoms, "or received examples, and civil laws "may favour it:" but "on the goodneſs "of criminal laws the liberty of the ſubject "principally depends †." On this head, when the right and duty of Juries, in caſes of libels, ſhall be eſtabliſhed, we can have no controverſy. The adminiſtration of juſtice is among the ſound parts of our Conſtitution.

In the beautiful ‡ review of the Engliſh Conſtitution, to which Mr. Burke alludes, Monteſquieu expreſsly declares, "*All the* "*inhabitants of the ſeveral diſtricts* ought "to have a right of voting at the election "of a repreſentative, *except ſuch as are in* "*ſo mean a condition as to be deemed to have* "*no will of their own.*" What more do we require? Or what does Mr. Burke with

* Spirit of Laws, b. 12. ch. 1. † B. 12. ch. 2.
‡ Ibid. b. 11. ch. 6.

peculiar

peculiar ardor reſiſt? Monteſquieu thinks the liberty of the Conſtitution depends on the fundamental laws, which diſtribute the legiſlative and executive powers. "When "the legiſlative and executive powers are "united in the ſame perſon, or in the "ſame body of Magiſtrates, there can be "no liberty; becauſe apprehenſions may "ariſe, that the ſame Monarch or Senate "may enact tyrannical laws to execute "them in a tyrannical manner." Again: "But if there were no Monarch, and the "executive power was committed to a "certain number of *perſons ſelected* from "the legiſlative body, there would be an "end of liberty; becauſe the ſame perſons "*would actually ſometimes have, and would* "*moreover always be able to have, a ſhare* "*in both.*" The legiſlative power veſted in a correct repreſentation of the people, the executive power in an hereditary Monarch, with a *complete ſeparation of the legiſlative and executive powers*, form the baſis of the French Conſtitution; while in England the choice of the Sovereign is limited, *in fact*, to the leaders of contending factions in Parliament; and our monumental debt

debt *atteſts the folly of uniting in the ſame perſons the reſponſible character of Miniſters, and the effective power of control.* "If," ſays Monteſquieu, "the Prince were to "have a ſhare in the legiſlation by the "power of reſolving, liberty would be "loſt." Again: "Were the executive "power to ordain the raiſing of public "money, otherwiſe than by giving its "conſent, liberty would be at an end, "becauſe it would become legiſlative in "the moſt important point of legiſlation." Does not the whole *effective* power of raiſing public money reſide in the Miniſters of the Crown? What edicts of taxation have our Parliaments refuſed to regiſter? or when did they even name a Committee to inſpect the public accounts, that the liſt was not prepared by the Miniſter? Have not the preſent Parliament voted more than 800,000l. per annum additional taxes, almoſt without the compliment of a debate? Yet when the Spaniſh Convention was concluded, when the ſubject had paſſed into hiſtory, did they not refuſe to inveſtigate how far the expenditure of four millions was neceſſary? Monteſquieu fortells the

ruin of our freedom. "As all human things "muſt have an end; the ſtate we are "ſpeaking of will loſe its liberty, it will "periſh. Have not Rome, Sparta, and "Carthage, periſhed? *It will periſh when "the legiſlative power ſhall be more corrupted "than the executive.*" How near that calamitous period approaches, let the writings of Mr. Burke atteſt! With theſe warnings, ſhall the diſciples of Monteſquieu neglect to reclaim their rights? That great man beheld, even in his time, the rapid advance of this fatal corruption, when he added, "It is not my buſineſs to inquire "whether the Engliſh *actually enjoy* this "liberty or not: it is ſufficient for my "purpoſe that *it is eſtabliſhed by their laws*, "and I inquire no farther." He then ſaw *our practice* widely diverging from *the theory* of our Conſtitution. We have now "diſ-"covered, that * the *forms of a free*, and "the *ends of an arbitrary Government*, were "things not altogether *incompatible*."

In the much-agitated queſtion on the revolt of the French ſoldiery, the authority of Monteſquieu is on the ſide of free-

* Cauſe of preſent Diſcontents, p. 12.

dom.

dom. "To prevent * the executive power "from being able to oppreſs, it is requiſite "that the armies, with which it is en- "truſted, ſhould conſiſt of the people, and "*have the ſame ſpirit as the people*:" and he recommends, as the means of preſerving *the ſame ſpirit* in the armies, that "the "ſoldiers ſhould live in common with the "reſt of the people; and no ſeparate "camp, barracks, or fortreſs, ſhould be "ſuffered." Without this participation of *the ſame ſpirit* our Revolution of 1688 had been defeated; and the deſpotiſm of France had continued to inſult and oppreſs the French nation—to embroil by its intrigues all the kingdoms of Europe.

Thoſe who do not know Mr. Burke might ſuſpect that his beautiful eulogy on the Poliſh Revolution was introduced for the gratification of one remark. "† The "genius of this faction is eaſily diſcerned, "by obſerving with what a different eye "they have viewed the late foreign Revo- "lutions. Two have paſſed before them "—that of France and that of Poland." Mr. Burke knew that this faction had re-

* Spirit of Laws, b. 11. ch. 6. † Appeal, p. 102.

cognized in the change from an *elective* to an *hereditary* monarchy the foundations laid of public order; but could it poſſibly eſcape the ſagacity of Mr. Burke, that Poland was a country juſt emerging, by this Revolution, from the barbariſm of feudal anarchy? a country in which the firſt rights of humanity had not been even acknowledged! Where the cultivators of the ſoil paſſed as part of the eſtate! Where a few years only had elapſed, ſince the murder of a peaſant by his Lord had been condemned by the laws! And does Mr. Burke ſeriouſly propoſe ſuch a people an example to the enlightened citizens of London and of Paris? As well might we ſeek the inſtitutes of government in the wilds of America, or learn from its naked ſavages the philoſophy of laws.

Situated as Poland is in the midſt of Europe, this deſcription does not exclude knowledge, and learning, and cultivated talents, from many of the diſtinguiſhed Members of its Diet. Pre-eminent among theſe appears that exalted character the reigning King, whom Mr. Burke, with

 equal

equal truth and felicity, deſcribes "from "an heroic love of his country, exerting "himſelf with all the toil, the dexterity, "the management, the intrigue, in favour "of a family of ſtrangers, with which "ambitious men labour for the aggran-"diſement of their own." "Happy "Prince, worthy to begin with ſplendor, "or to cloſe with glory a race of Patriots "and of Kings; and to leave

"A name which every wind to heaven would bear,
"Which men to tell, and angels joy to hear."

But is Mr. Burke really ignorant, that this patriot King maintains a conſtant correſpondence with Paris, repreſents himſelf as a fellow labourer in the ſame cauſe with the French patriots, and laments that his own country is not ripe to receive inſtitutions which they have eſtabliſhed?

I am not one of thoſe "who juſtify the "frequent interruptions which at length "wholly diſabled Mr. Burke from pro-"ceeding;" but to tell us what he would have proved, and to lament the interrup-

tion, is perfectly puerile, the language of a peeviſh mind ſinking under the weakneſs of his cauſe. Mr. Burke has been in the conſtant habit of printing his ſpeeches. Let him print this intended ſpeech. The friends of truth will rejoice to learn their errors even from him, and will forget the calumnies with which they have been loaded. Let him teach us, what can be the origin of human rights, if they be not derived from nature. Let him inſtruct us, how Government can be better directed to promote the happineſs of mankind, than by an equal protection of theſe rights in every member of the community; or how to diſcriminate between the moſt lawleſs deſpotiſm, and the moſt legitimate legiſlation, otherwiſe than by the utility of its inſtitutions adapted to this end. We are conſcious of no crime when we rejoice in the ſacrifice of Gothic prejudices, at the ſhrine of reaſon, by a great and enlightened nation; and we wait with anxious expectation the reſult of this grand experiment of ſcientific legiſlation. We cannot eaſily believe, that all the theories, which philoſophy has eſtabliſhed, are falſe, or the convictions

tions of our own underſtandings deluſive. We ſuſpect that thoſe who rail with paſſion, cannot demonſtrate by argument; and we diſcover, in the intereſted clamours of the known enemies of mankind, an involuntary homage to the cauſe of freedom.

In our own country we are aware, that many partial oppreſſions, inconſiſtent with the rights derived to all from the Great Author of Nature, demand correction; and we hope ſome benefit from the meritorious labours of individuals to enlighten on theſe ſubjects the public mind. Yet we think that the firſt and moſt important object is to obtain an organ, by which the public mind may ſpeak in legiſlation. We flatter ourſelves that, this obtained, every other abuſe will be gradually and temperately done away by the increaſing knowledge of the age. An Houſe of Commons fairly elected by the great body of the people, whoſe Members ſhall frequently return to the common maſs, and removed from the temptation of converting a public truſt to private benefit, is that organ of the public will which the acknowledged principles

of

of our Government preſcribe, and which none can oppoſe but thoſe who have been accuſtomed to ſeek, under the ſpecious pretext of public duty, the ſordid gratification of private avarice or ambition. Theſe opponents are numerous and mighty—a firm, determined band, who can alone be ſubdued by an equally firm and equally determined union of all the friends of a free government, deriving its energy from the public will, and directed to the common happineſs of a whole people.

THE END.

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